

# **Child and Adult Care Food Program Administrative Manual for Child and Adult Care Centers**

**California Department of Education  
Nutrition Services Division  
Sacramento, 2014**

## **Publishing Information**

The *Child and Adult Care Food Program Administrative Manual for Child and Adult Care Centers* was developed by the Nutrition Services Division (NSD) of the California Department of Education (CDE). The publication was edited by John McLean and Faye Ong, working in cooperation with Cathy Hardin, Program Specialist, Nutrition Services Division. The document was prepared for publication by the staff of CDE Press and was published by the California Department of Education, 1430 N Street, Sacramento, CA 95814-5901. It was distributed under the provisions of the Library Distribution Act and Government Code Section 11096.

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## A Message from the State Superintendent of Public Instruction

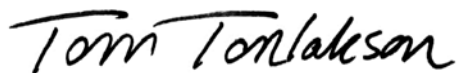
Thank you for choosing to participate in the Child and Adult Care Food Program (CACFP), a federally funded program that provides nutritious meals to children in child care, afterschool programs, homeless or emergency shelters, or to adults in day care settings. I appreciate and value your efforts to promote the well-being and long-term development of California's youngest children and their families.

The Nutrition Services Division of the California Department of Education (CDE) worked collaboratively with stakeholders to develop the *Child and Adult Care Food Program Administrative Manual for Child and Adult Care Centers*. This manual will assist participating centers in mastering the requirements and operation of the CACFP. Given that federal and state regulations can often be challenging to read and understand, this manual reviews the requirements for the CACFP in a clear, user-friendly format and provides detailed instructions to help you manage your programs accordingly.

This manual, together with other resources created by the CDE and the U.S. Department of Agriculture, will assist you in operating successful programs with the ultimate goal of serving nutritious meals to children and adults in day care settings. You can be confident that the information in this manual is reliable and relevant to you, our sponsors, because of the collaborative, iterative process used in its development.

I am excited that my team of experts has put together such a thorough tool to help you make the most of your programs. Together, as partners, we can make a huge difference in the lives of the children and adults we serve.

Thank you for all that you do.

A handwritten signature in black ink that reads "Tom Torlakson". The signature is written in a cursive, flowing style.

Tom Torlakson  
State Superintendent of Public Instruction

## Introduction

In 1998, the Nutrition Services Division (NSD) of the California Department of Education (CDE) published the first *Child Care Centers Administrative Manual* to guide centers in the day-to-day operations of the Child and Adult Care Food Program (CACFP).

Since that time, three federal laws impacting the CACFP were enacted: the Child Reauthorization Act of 1998, the Agriculture Risk Protection Act (ARPA) of 2000, and the Healthy, Hunger-Free Kids Act of 2010. These laws made several improvements to the CACFP, including opening the CACFP to more children; establishing the afterschool, at-risk component for children through the age of eighteen years; extending program benefits to homeless children; and granting automatic eligibility for free meal reimbursement to children who participate in Even Start and Early Head Start. Congress has also emphasized program accountability, adding to and clarifying federal regulations.

The amendments to the CACFP regulations that resulted from these laws consequently emphasize improved program operation and monitoring by state agencies and program institutions.

## Management Bulletins and Forms

This manual frequently refers users to the CDE Web site for forms, applications, and guidance. It also refers users to numerous Management Bulletins (MBs) issued by the NSD since 1998; the MBs cover a wide range of program topics addressed in this manual and are located on the CDE/NSD Web site (<http://www.cde.ca.gov/ls/nu/cc/mb.asp>). In addition, the manual provides links to individual MBs.



## Terms, Definitions, and Acronyms

The following key terms and acronyms appear throughout this manual.

**7 CFR.** Title 7, *Code of Federal Regulations*. This is the part and/or section of federal regulations that includes regulations for the Child and Adult Care Food Program.

**CACFP.** Child and Adult Care Food Program. May also be referred to as the “program.”

**CDE.** California Department of Education.

**CNIPS.** Child Nutrition Information and Payment System—the online database used by the Nutrition Services Division to receive and maintain agency applications and to process claims for reimbursement.

**facility.** An approved center under the auspices of a CACFP sponsoring organization.

**institution.** The general term for any organization that has a CACFP agreement with the Nutrition Services Division.

**NSD.** Nutrition Services Division, California Department of Education—the agency responsible for administering the CACFP in California.

**USDA, FNS.** U.S. Department of Agriculture, Food and Nutrition Service—the federal oversight agency for the CACFP.

<p><b>Note:</b> Throughout this manual, information that appears in a box like this pertains only to adult care institutions.</p>
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## Section 1: Program Eligibility

### 1.1 Program Type

Federal regulations define two ways that institutions may enter into an agreement with the CDE in order to participate in the CACFP: they may be independent centers or center sponsors.

#### **(a) Independent Center**

An independent center is an institution that operates a child or adult care food program at a single physical site. Independent centers enter into an agreement with the CDE to assume financial and administrative responsibility for program operations.

#### **(b) Center Sponsor**

A center sponsor is an institution that manages food service programs at multiple, approved center sites. Center sponsors enter into an agreement with the CDE to assume financial and administrative responsibility for program operations **at all sponsored sites**. Subsequently, center sponsors have additional monitoring requirements under the CACFP regulations to ensure that each site remains in compliance.

Center sponsors may manage either affiliated centers (sites owned and operated by the sponsoring institution) or unaffiliated centers.

#### ***Sponsors of Unaffiliated Centers***

Unaffiliated centers are sites that are owned by another business entity, but have entered into an agreement with a center sponsor for management of their food service program. Sponsors of unaffiliated centers are subject to the same monitoring requirements as center sponsors (see above).

Private, for-profit sponsors may not sponsor any unaffiliated centers.

***Institutions may not subcontract program management functions to a third party. Program management functions include monitoring, corrective action, and preparation of application or reimbursement claim materials.***

**Reference:** 7 CFR 226.2, 226.15(c), 226.17(a), 226.17a(a)(1)(i), 226.19(a), 226.19a(a); U.S. Department of Agriculture Food and Nutrition Service Instruction 792-2, Revision 1; Management Bulletin:

NSD-CACFP-05-2013 Contracting Out for Management Functions  
<http://www.cde.ca.gov/ls/nu/cc/mbnsdcacfp052013.asp>

## 1.2 Business Entity Type

To participate in the CACFP, an independent center or a center sponsor may be public; private, nonprofit; or private, for-profit.

### **(a) Public**

A public institution is part of a larger governmental entity that may be local, state, or federal. Examples include county offices of education, public school districts, public institutions of higher education (such as colleges or universities), city or county governments, and military bases. Public centers may also be part of Indian rancherias or reservations.

### **(b) Private, Nonprofit**

A private, nonprofit institution will either have its own tax-exempt status or be part of a larger organization that is tax-exempt. The Internal Revenue Service (IRS) grants the tax-exempt status, issuing a Letter of Determination under IRS Code 501. Most private, nonprofit centers that participate in the program have tax-exempt status under 501(c)(3) of the IRS code. A nonprofit organization must also be incorporated in the State of California.

A nonprofit corporation in California must have a board of directors whose members may serve for a maximum of three years. The board may not be composed of a majority of “interested persons.” Section 5227 of the California Corporations Code defines an interested person as “any person” who is compensated for services rendered to the nonprofit or who is related in some manner to such a person. The California Corporations Code further states in Section 5210 that the “activities and affairs” of the nonprofit must be managed by and “under the ultimate direction” of the board. This requirement reinforces the CACFP requirement that boards exercise proper oversight of the program (see **section 4.1**).

Furthermore, a nonprofit corporation is organized and operated for those public or charitable purposes recognized under State of California corporation law as well as federal and state statutes. Consequently, a nonprofit corporation must restrict its advocacy and lobbying activities to those that are allowed in their exempt certification and engage only in limited political campaign activities.

**(c) Private, For-profit**

A private, for-profit **child care** institution may qualify for program participation by meeting one of these two criteria:

- i. Either 25 percent of center enrollment or licensed capacity, whichever is less, is eligible for free or reduced-price meal reimbursement according to the USDA income eligibility guidelines.

OR

- ii. 25 percent of center enrollment or licensed capacity, whichever is less, receives subsidized care (e.g., from CDE Child Development or CalWORKs).

Private, for-profit **adult care** institutions may qualify as long as 25 percent of enrolled participants receive subsidized care (federal Title XIX or Title XX benefits).

A for-profit independent center must ensure initially, and for each claiming month thereafter, that it meets the appropriate eligibility criteria. That is, the center must meet the 25-percent eligibility threshold in order to claim meal reimbursement for each month of a program year, from October through September.

Likewise, a for-profit center sponsor must ensure that each of its centers meets the 25-percent threshold in order to claim meal reimbursement on a monthly basis for each center. For example, a sponsor with five centers must ensure that each center meets the eligibility threshold before it claims meal reimbursement for each center. If each center does not meet the threshold, the sponsor may claim meal reimbursement only for those centers that meet the threshold for that claiming month.

**Reference:** 7 *CFR* 226.2, 226.10(c), 226.11(c)(4), 226.17(b)(4), 226.19(b)(5), 226.19a(b)(6); Management Bulletin:

02-223 Eligibility of For-Profit Child Care Centers  
<http://www.cde.ca.gov/ls/nu/cc/mb02223.asp>

### 1.3 Licensing

A **child care center** must be licensed in the following manner:

- Either have a current license to operate a child care center from the California Department of Social Services (DSS) or one of its delegate licensing agencies. For a nonprofit center, the license for a center must be issued in the name of the nonprofit. For a for-profit center, the license must be issued to the current owner, individual, business, or corporation.

OR

- Possess a Certification of Operation from the CDE's Child Development Division providing a 60-day approval to operate pending the transfer of license by DSS or one of its delegate licensing agencies.

However, there are the following exceptions to the licensing requirement:

- Child care centers, such as at-risk, afterschool centers may be license-exempt if they meet the exemption requirements described in the Child Care Center General Licensing Requirements, Title 22, Division 12, of the *California Code of Regulations*.
- Child care centers on military bases may provide a Department of Defense (DOD) child care license or a letter from the base commander or appropriate military official stating that the center meets DOD child care requirements.
- Child care centers on Indian reservations may provide appropriate documentation from the Bureau of Indian Affairs or other applicable federal agency.
- An emergency shelter must submit the appropriate local health and safety certifications to operate a shelter in lieu of a child care license.

An **adult care center** must have a current license from the DSS or from the California Department of Health Care Services. A nonprofit center's license must be issued in the name of the nonprofit. A for-profit center's license must be issued to the current owner, individual, business, or corporation.

**Reference:** 7 *CFR* 226.17(b)(1), 226.17a(d), 226.19(b)(1), 226.19a(b)(3)

# **Section 1**

## **Management Bulletins**

<b>NUTRITION SERVICES DIVISION MANAGEMENT BULLETIN</b>		<b>No. 02-223</b>
<b>TO:</b>	Child and Adult Care Food Program Sponsors For-Profit Child Care Centers	<b>ISSUE DATE:</b> August 2002
<b>ATTENTION:</b>	Food Program Director	
<b>SUBJECT:</b>	Eligibility of For-Profit Child Care Centers	
<b>REFERENCE:</b>	United States Department of Agriculture APB: CAC-01-13	

This Management Bulletin provides questions and answers prepared by the United States Department of Agriculture (USDA) regarding the eligibility of for-profit (proprietary) child care centers to participate in the Child and Adult Care Food Program (CACFP).

Information regarding a proprietary center's eligibility for CACFP participation was previously provided in a letter sent to proprietary child care center sponsors in May 2002. To reiterate, a proprietary center is eligible for CACFP participation if it meets at least one of the following two criteria:

**Title XX-CACFP Regulations:** To be eligible for the Title XX option, a proprietary center must document and certify that at least 25 percent of the center's enrolled children or licensed capacity, whichever is less, are Title XX beneficiaries. Title XX refers to Title XX of the Social Security Act. In California, Title XX funds have been pooled with the various state and federal child care funds, making Title XX synonymous with state and federally subsidized child care. In order for the center to claim monthly meal reimbursement, the 25 percent threshold must be met on a monthly basis.

**Free and Reduced Price Eligibility:** To participate under the free and reduced price option, a proprietary center must document that at least 25 percent of its enrollment or licensed capacity, whichever is less, is eligible for free or reduced price meal reimbursement. As with the Title XX option, the 25 percent threshold must be met on a monthly basis in order for the center to claim monthly meal reimbursement. To meet this threshold, a center must certify the eligibility for 25 percent of its children by using the free and reduced price meal application process that has been established by USDA for the CACFP.

### **Questions and Answers**

**Q-1: Can a for-profit center switch eligibility criteria for meeting the 25 percent Title XX enrollment or licensed capacity in one month, to meeting the 25 percent free and reduced price in another month?**

**A-1:** Yes, as long as the center can document monthly that it meets one of the above two criteria. A center cannot combine the two eligibility criteria to reach the 25 percent threshold. The center should choose the most advantageous option.

**Q-2: To initially approve a for-profit center under the new provision, will completed free and reduced price applications be reviewed to ensure that 25 percent enrolled children are eligible, or is a certification by the center sufficient?**

**A-2:** A certification by the center is adequate; however, during a pre-approval visit to the center, staff of the California Department of Education, Nutrition Services Division will review the completed applications for accuracy, discuss program requirements, and train center staff on critical program operations.

**Q-3: Are States to include for-profit centers in their pre-approval visit schedule?**

**A-3:** Yes. The Richard B. Russell National School Lunch Act, section 17(d)(1)(B), *Approval of Private Institutions* stipulates that "...the State agency conduct a satisfactory visit to the institutions before approving the participation of the institution...." This includes for-profit institutions.

**Q-4: Can a for-profit center that does not qualify for CACFP based on Title XX or 25 percent free and reduced price applications in its traditional child care component take applications from its at-risk snack participants and combine the two components to meet the 25 percent threshold?**

**A-4:** No. In determining a for-profit center's eligibility for at-risk snack reimbursement, only the enrollment or licensed capacity of the traditional child care component of the center should be considered in calculating whether the center meets the 25 percent criterion. In addition, please note that there would be no free and reduced price applications in the CACFP at-risk component because eligibility is based on area data. For further explanation, refer to the December 1, 1999, memorandum regarding eligibility of at-risk after school snack participation.





California Department of  
**EDUCATION**

**Nutrition Services Division  
Management Bulletin**

<input checked="" type="checkbox"/> POLICY	<input type="checkbox"/> ACTION REQUIRED	<input checked="" type="checkbox"/> BENEFICIAL INFORMATION
<b>To:</b>	Child and Adult Care Food Program	<b>Number:</b> NSD-CACFP-05-2013
<b>Attention:</b>	Food Program Director	<b>Date:</b> April 2013
<b>Subject:</b>	Contracting Out for Management Functions in the Child and Adult Care Food Program	
<b>Reference:</b>	Title 7, <i>Code of Federal Regulations</i> , Sections 226.14 and 226.15(c); U.S. Department of Agriculture, Food and Nutrition Service Instruction 792-2, Revision 1; Section 362 of the Healthy, Hunger-Free Kids Act of 2010	
<b>Supersedes:</b>	Management Bulletin NSD-CACFP-04-2011	

This Management Bulletin (MB) reminds all agencies participating in the Child and Adult Care Food Program (CACFP) that agencies may not contract with another company for all management functions. This MB supersedes MB NSD-CACFP-04-2011: Contracting Out for Management Functions in the CACFP. The Nutrition Services Division (NSD) has added language to ensure all agencies participating in the CACFP are aware that the consequences for termination in one federal child nutrition program impacts participation in all other child nutrition programs.

## Background

Pursuant to Title 7, *Code of Federal Regulations* (7 CFR) Section 226.15(c), all institutions participating in the CACFP must maintain sole administrative and financial responsibility for their food program and may not contract for management functions. The U.S. Department of Agriculture, Food and Nutrition Service Instruction 792-2, Revision 1 provides the following interpretation of this regulation:

The regulation prohibits an institution from contracting out for all of its management functions. Management functions which institutions may not contract out under any circumstances include monitoring, corrective action, and preparation of application materials. However, institutions may contract out for specific management tasks, such as bookkeeping (but not claims submission), data processing, or the service of a nutritionist...

## Action Needed

In order to ensure compliance with the regulations, all agencies should submit any contracts that the agency enters into relating to their food service program to the NSD for review.

## **Contracting for Unallowable Management Functions May Lead to Termination**

If the NSD determines that an agency participating in the CACFP has contracted with a third party for management functions, the NSD may find the participating agency seriously deficient and terminate the institution's agreement to participate in the CACFP. In addition, the NSD is required by 7 *CFR* 226.14 to recover any payment to an agency that it did not properly spend on its food program in compliance with the regulations. This means that if a participating agency used program funds to pay for a third party contractor performing management functions, the NSD will require the participating agency to pay back these funds.

## **Consequences for Agencies and Individuals on the National Disqualified List**

Federal law [Section 362 of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) which updated the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 (CNA)], now prohibits any school, institution, service institution, facility, or individual that has been terminated from any federal child nutrition program, and is on a list of disqualified institutions and individuals, from participating in or administering any program authorized by the HHFKA or the CNA.

This means that if an agency is terminated from the CACFP and placed on the National Disqualified List, they will no longer be eligible to participate in the Summer Food Service Program or the School Nutrition Programs (SNP). The CDE would be required to terminate the agency's current participation in all federal child nutrition programs, including the SNPs (the National School Lunch Program, the School Breakfast Program, the Special Milk Program, Meal Supplements or Snacks, the Seamless Summer Feeding Option, and the Fresh Fruit and Vegetable Program).

If you have any questions regarding this MB, please contact the CACFP specialist assigned to your agency in the Child Nutrition Information and Payment System (CNIPS). Contact information for specialists is located in the Download Forms section of the CNIPS.

## **Section 2: Planning, Preparing, and Serving Allowable Meals**

### **2.1 Planning Meals**

#### **(a) Meal Patterns**

CACFP regulations specify three meal patterns:

- i. Infant Meal Pattern—for infants up to the age of one year
- ii. Meal Pattern for Older Children—for children age one through twelve years (children ages thirteen through eighteen must be served minimum or larger portion sizes specified for children ages six through twelve)
- iii. Meal Pattern for Adults—for all participants over eighteen years of age

These meal patterns may be found on the CDE CACFP Web page at <http://www.cde.ca.gov/ls/nu/he/mealmenu.asp#cacfp>

All meals served to participants must meet or exceed these meal pattern requirements in order to be claimed for reimbursement.

#### **(b) Special Needs and Special Meals**

Because all participants must be offered meals that meet the USDA meal patterns, institutions must accommodate participants who are considered disabled under 7 *CFR* Part 15b and whose disability requires a special diet in accordance with a medical statement signed by a licensed physician. Institutions, at their discretion, may accommodate other dietary requests from participants who do not have recognized disabilities. However, institutions must ensure that substitutions made for these participants meet the USDA meal pattern requirements in order to receive meal reimbursements.

#### ***Food Substitutions for Participants with Disabilities***

Under federal law, a person with a disability is referred to as a *handicapped person* and is defined in 7 *CFR* 15b.3(i) as anyone “who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.” Major life activities are defined in 7 *CFR* 15b.3(k) as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The provisions requiring substitutions for participants with disabilities respond to Section 504 of the Rehabilitation Act of 1973 and to USDA implementing regulations, 7 *CFR* 15b, which provide that no otherwise qualified disabled individuals shall, solely on the basis of disability, be excluded from participation in, be denied benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance.

Food substitutions and other modifications in the USDA meal patterns necessary to meet the dietary requirements of persons with disabilities or other individuals with special dietary needs may be further affected by requirements of the Individuals with Disabilities Education Act (IDEA). Such requirements may affect the service of meals. For example, the individualized education program (IEP) or an individualized family service plan (IFSP) developed for a child under IDEA may require a meal to be served outside the regular meal schedule for program meals. There should be sufficient communication between the institution's nutrition personnel and the IEP team, so that the staff understands and can correctly implement any aspect of the IEP impacting meals served to the child.

Whenever an enrolled participant is unable to eat or drink one or more of the required meal components, institutions must have on file a signed statement from a medical authority as proof of the need for a substitution.

Meals served to participants that contain the specified foods are reimbursed at the same rate as meals meeting the regular meal pattern. Neither participants nor their families shall be charged extra for specified food items appearing on a medical statement. This applies to participants who have disabilities and those who do not have recognized disabilities. All such authorized special diet expenses are allowable and may be charged to the CACFP.

### ***Medical Statement for Participants with Disabilities***

Determinations about whether a participant's disability restricts his or her diet are made on an individual basis by a licensed physician. A medical statement shall identify:

- the participant's disability and explain why the disability restricts the participant's diet;
- the major life activity affected by the disability;
- the specific food or foods to be omitted from the participant's diet and the specific food or choice of foods that must be substituted. If the disability requires caloric modifications or, for example, the substitution of a liquid nutritive formula, this information must be included in the statement. If the disabled participant requires only textural modifications to the regular program meal, the medical statement is recommended but not required. In such cases, the purpose of the statement is to assist the meal preparer in providing the appropriate textural modifications. Unless otherwise specified by the physician, the meals modified for texture will consist only of food items and quantities specified in the regular menus.

The medical statement should be reviewed and updated by the physician annually.

### ***Food Substitutions for Participants Who Do Not Have Recognized Disabilities***

In general, participants with food allergies, food intolerance, or obesity are not considered “disabled” as defined in 7 *CFR* 15b.3(i) unless otherwise supported by a physician’s statement. Consequently, institutions are not required to make substitutions for participants who do not have recognized disabilities. However, if, in a physician’s assessment, food allergies may result in severe, life-threatening reactions (i.e., anaphylactic reactions) or obesity is severe enough to substantially limit a major life activity, the participant then meets the definition of a person with disabilities, and the institution must make substitutions as prescribed by a physician.

### ***Medical Statement for “Non-Disabled Participants”***

For non-disabled participants, the supporting statement shall include:

- an identification of the medical or other special dietary need that restricts the participant’s diet;
- the food or foods to be omitted from the participant’s diet and the food or choice of foods that may be substituted.

Institutions are not required to make substitutions for participants whose conditions are not recognized as disabilities. However, substitutions for non-disabled participants are encouraged if they do not subject the institution to undue hardship.

This statement should be reviewed and updated annually.

### ***Recognized Medical Authority***

For a child with a medical condition that has been determined to be a disability, a recognized medical authority is defined as a licensed physician. For a child with a special dietary need (not a recognized disability), a recognized medical authority is defined as a licensed physician, physician’s assistant, or nurse practitioner.

### ***Accessibility***

Institutions are responsible for the accessibility of food service sites and for ensuring that aides are provided, where needed. According to 7 *CFR* 15b.26(d)(2), institutions must ensure that children with disabilities participate with typically developing (“non-disabled”) children to the maximum extent appropriate to the needs of the child who has the disability. Meals are to be provided in the most integrated setting appropriate to the needs of the child with the disability.

### **(c) Menu Production Records**

A center must document the types and quantities of food served to participants at each meal, using a menu production record. The menu production record allows centers to document the food items prepared, the quantity of each food item prepared, the number of meals prepared, and the quantity left over if used for other meals. These records ensure that centers have prepared sufficient quantities of each food component for each participant and any non-participating adults. Institutions must maintain purchase receipts and invoices to substantiate the items and quantities listed on their menu production records.

Refer to **section 6.2** for resources that provide guidance on menu production records.

Commercially prepared food items served by an institution for which a yield is not shown in the Food Buying Guide (e.g., burritos) require a statement from the manufacturer listing the ingredients by weight and in sufficient detail to allow determination of the yield. For example, a purchased burrito might contain a 1.5-ounce tortilla and 2 ounces of cheese. A Child Nutrition (CN) label can substitute for a manufacturer's specification.

### **(d) Cycle Menus**

A cycle menu is a menu that repeats at any interval of time (e.g., every week, every three weeks, every six weeks). The cycle menu may take advantage of seasonally available food and is a labor-saving way to plan meals.

In order to use the cycle-menu system, an institution should develop sets of menu production records for multiple weeks, identified as Week 1, Week 2, and so forth. Food service staff may then use these menu production records as shopping lists and planning tools for food preparation.

**Reference:** 7 *CFR* 15b.3(i), 15b.3(k), 15b.26(d)(2); 7 *CFR* 226.20

- CDE Meal Patterns and Menu Planning Web Page  
<http://www.cde.ca.gov/ls/nu/he/mealmenu.asp#cacfp>
- The USDA offers an online resource library that includes a Food Buying Guide for Child Nutrition Programs and related nutrition assistance materials.  
<http://www.fns.usda.gov/tn/foodbuying-guide-child-nutrition-programs>

### **Forms:**

- Medical Statement
- Menu Production Record

## 2.2 Preparing Meals

Institutions may use a variety of meal preparation systems, depending on factors such as type of menu desired, budget, and availability of food service equipment, space, and personnel.

Meals may be prepared in one or more of the following ways:

- On-site (self-preparation)—Meals are prepared by institution staff and served at the same location.
- Central kitchen—Meals are prepared by institution staff at a central location and transported to the institution's sites. This is most commonly seen in center sponsors that prepare meals for more than one site.
- Vending—Meals are prepared by a school food authority, commercial food service vendor, or other private, nonprofit agency and transported to the institution's site or sites. The organization preparing meals must enter into a contract with the child or adult care institution.

### **(a) On-Site or Central Kitchen**

Meals prepared by the institution's staff must be supported with menu production records. Refer to **section 6** for information about how to prepare these records.

If meals are prepared in a central kitchen, transport equipment must maintain the appropriate temperature for all food until it is served. Temperature levels must meet the requirements under state or local health laws. Contact your local health department for guidance. Institutions must maintain service records, such as transport records, to demonstrate that a sufficient quantity of each required meal component is transported from the central kitchen to centers.

### **(b) Vended Meals**

An institution may contract with a food vendor to provide any or all meals. If the vendor is a public entity, such as a school food authority (SFA), the institution may use the standard vending agreement developed by the NSD to enter into a vending agreement with an SFA.

If, on the other hand, the vendor is commercial (non-public), the institution must observe the following:

- If the aggregate value of the contract is less than \$150,000, the institution may use small purchase procedures and the standard food service agreement developed by the NSD.

- If the annual aggregate contract value is \$150,000 or more, the institution must follow formal contracting procedures. You may contact the NSD for assistance with preparing the formal bid package.

Institutions may include additional contract language if required by the institution or the food vendor. However, contract additions may not contradict the requirements set forth in the NSD contracts, and no portion of the NSD contracts may be removed. If contracting with an SFA, the institution may choose to use the SFA's meal pattern in place of the applicable CACFP meal pattern.

### **(c) Reporting a Central Kitchen or Food Service Vendor in the CNIPS**

If an institution's meals are prepared in a central kitchen or by a food service vendor, the institution must complete a Food Production Facility Form in the CNIPS for each central kitchen or vendor.

**Reference:** 7 *CFR* 226.6(i), 226.20(j), 226.20(k)(1), 226.22(c); Management Bulletin:

USDA-CNP-09-2012 Federal Small Purchase Threshold Adjustment  
<http://www.cde.ca.gov/ls/nu/sn/mbusdacnp092012.asp>

### **Forms:**

- Transport Record
- Standard Food Service Agreement
- Formal Bid Package

## **2.3 Serving Meals**

### **(a) Charges for Meals**

If an institution includes the cost of meals served to participants in the general tuition charge, the institution is considered to operate a **non-pricing program**. Alternatively, institutions that charge a meal fee that is separate from the tuition fee are considered **pricing programs**.

Both may participate in the CACFP; however, institutions that operate a pricing program must meet the following conditions:

- Use the Actual Count claiming method (see **section 3.3[a]**)
- Submit and receive approval for a Free and Reduced-Price Policy Statement with the NSD. The statement must include institutions' policies to:
  - determine participants' eligibility for free or reduced-price meals by annually collecting and evaluating eligibility documentation using the USDA eligibility guidelines;



- establish a hearing procedure for use when free or reduced-price benefits are denied;
- charge no more than the amount established by the USDA for participants who are eligible for free or reduced-price meals;
- establish procedures to protect the anonymity of participants who are eligible for free or reduced-price meals.

### **(b) Meal Times and Spacing**

In order to be claimed, meals should be served during the part of the day that is considered appropriate and conventional for the meal being served.

If snacks are offered, they should be served between major meals; however, the evening snack may be served after supper.

Outside-school-hours institutions may claim only breakfast, snack, or supper while school is in session. On non-school days, such as when a school is off-track, institutions qualify to serve any combination of two meals and a snack or two snacks and a meal per day.

When an institution serves a snack between meals, a minimum of two hours must elapse between the beginning of one service and the beginning of the next (e.g., between the beginning of breakfast and the beginning of a morning snack). However, when snacks are not served between meals, a minimum of three hours must elapse between the beginning of one meal and the next.

Infants up to one year of age must be served at a time consistent with an individual infant-eating pattern.

### **(c) Meal Service**

Agencies can use two types of meal service in the CACFP:

#### **i. Traditional Meals (pre-plated)**

When serving pre-plated meals, the institution must ensure that all meal components, including milk, are served to each participant at the same time.

#### **ii. Family-Style Meals**

All institutions are encouraged to serve family-style meals.

Each table must be served enough food to provide the required portion of each food component for all participants at the table and supervising adults (if the adults eat with the participants). Participants should initially be offered the required portion of each meal component. During the course of the meal, it is the responsibility of the supervising adult to actively encourage

each participant to accept the required portion for each food component of the meal pattern.

Family-style meals provide an opportunity for child care centers to enhance the meal service by encouraging a pleasant eating environment that supports and promotes mealtime as a learning experience. With this type of meal service, children are allowed to serve themselves from common platters of food with assistance from supervising adults. This encourages supervising adults to set a personal example and provide educational activities that are centered on foods. This approach allows children to identify foods and be introduced to new foods, flavors, and menus. It also fosters a positive attitude toward nutritious foods, sharing food in a group eating situation, and good eating habits.

**Meals eaten by supervising adults are not reimbursed.**

#### **(d) Offer versus Serve**

The Offer versus Serve option applies only to breakfast, lunch, or supper meals. It is not applicable to snacks.

Any child care site that receives meals from an SFA has the option to use the school's meal pattern instead of the CACFP meal pattern. If using an SFA's meal pattern, the site may also use the associated Offer versus Serve option.

**Adult care centers** may choose to use the Offer versus Serve method of meal service. In this case, institutions should contact their assigned CACFP specialist to receive approval to use this method. The price of the reimbursable meal is not affected by this method.

At each meal, adult participants must be offered all of the required food items identified in the Meal Pattern for Adults. Adult participants then have the option to decline one or more of the food items:

- At breakfast, participants must be offered one serving of milk, one serving of vegetables and/or fruit, and two servings of grain/bread. **Participants may decline one of these four food items.**
- At lunch, participants must be offered one serving of milk, two servings of vegetables and/or fruit, two servings of grain/bread, and one serving of meat/meat alternative. **Participants may decline two of these six food items.**
- At supper, participants must be offered two servings of vegetables and/or fruit, two servings of grain/bread, and one serving of meat or a meat alternative. **Participants may decline two of these five food items.**

**Reference:** 7 *CFR* 226.20(k), 226.20(p), 226.20(q), 226.23(e); Management Bulletin:

NSD-CACFP-12-2012 Clarification Regarding the Use of OVS in CACFP  
<http://www.cde.ca.gov/ls/nu/cc/mbnsdcacfp12snp182012.asp>

## **Section 2**

# **Management Bulletins**



California Department of  
**EDUCATION**

**Nutrition Services Division  
MANAGEMENT BULLETIN**

<input type="checkbox"/> <b>POLICY</b>	<input type="checkbox"/> <b>ACTION REQUIRED</b>	<input checked="" type="checkbox"/> <b>BENEFICIAL INFORMATION</b>
<b>To:</b>	Child Nutrition Program Sponsors	<b>Number:</b> USDA-CNP-09-2012
<b>Attention:</b>	Food Service Directors, Business Officials, Superintendents, Administrators, Purchasing Agents, Finance Directors	<b>Date:</b> November 2012
<b>Subject:</b>	Federal Small Purchase Threshold Adjustment	
<b>Reference:</b>	U.S. Department of Agriculture Policy Memo SP 01-2013; CACFP 01-2013; SFSP 01-2013: <a href="http://www.fns.usda.gov/cnd/governance/policy.htm">http://www.fns.usda.gov/cnd/governance/policy.htm</a>	

This Management Bulletin (MB) informs all Child Nutrition Program sponsors of an adjustment to the federal small purchase threshold. Effective immediately, school food authorities that are not subject to a state or local small purchase threshold may use the small purchase threshold set by Title 41, *United States Code*, Section 403(11), which is \$150,000.

This increase in the threshold allows for more small purchase procurements using relatively simple and informal methods for securing services, supplies, or other property (Title 7, *Code of Federal Regulations* [7 *CFR*] Section 3016.36[d]) provided that each procurement, regardless of amount, is conducted in a manner that ensures free and open competition. Local agencies may set a lower threshold and thereby impose more restrictive procurement procedures as authorized by 7 *CFR* sections 3016.36(a), 3016.37(a) and 3016.60(a). Therefore, all state and local procurement requirements still apply.

As a reminder, public schools and county offices of education must adhere to the state small purchase threshold. This threshold is changed annually, and may be viewed on the California Department of Education Correspondence Web page at <http://www.cde.ca.gov/fq/ac/col/>. Charter schools, private schools, and residential child care institutions may use the federal small purchase threshold. County operated juvenile detention facilities shall use the small purchase threshold established by the county; however, in the absence of one, they may use the federal threshold.

### **Contact Information**

If you have any questions regarding this MB, please contact the appropriate Nutrition Services Division staff member for your agency as indicated below.

## **School Nutrition Programs**

You may find a list of contact information for your School Nutrition Programs (SNP) specialist in the Download Forms section of the Child Nutrition Information and Payment System

(CNIPS). You may also contact the SNP Unit Secretary by phone at 916-445-2307 or 916-445-4308.

## **Child and Adult Care Food Program**

You may find a list of contact information for your Child and Adult Care Food Program (CACFP) specialist in the Download Forms section of the CNIPS. You may also contact Robin Kraus, CACFP Unit Secretary, by phone at 916-327-2991 or by e-mail at [rkraus@cde.ca.gov](mailto:rkraus@cde.ca.gov).

## **Summer Food Service Program**

You may refer to Form SFSP 01 in the Download Forms section of the CNIPS for a list of Summer Food Service Program (SFSP) specialists. You may also contact Tanya McCrae, SFSP Unit Secretary, by phone at 916-322-8323 or by e-mail at [tmccrae@cde.ca.gov](mailto:tmccrae@cde.ca.gov).



California Department of  
**EDUCATION**

**Nutrition Services Division  
MANAGEMENT BULLETIN**

<input checked="" type="checkbox"/> <b>POLICY</b>		<input type="checkbox"/> <b>ACTION REQUIRED</b>	<input checked="" type="checkbox"/> <b>BENEFICIAL INFORMATION</b>
To:	Child and Adult Care Food Program Agencies	Number:	NSD-CACFP-12-2012 NSD-SNP-18-2012
Attention:	Food Program/Service Directors	Date:	October 2012
Subject:	Clarification Regarding the Use of Offer Versus Serve in Child and Adult Care Food Program At-risk, Afterschool Meal Programs		
Reference:	U.S. Department of Agriculture, Food and Nutrition Service, Policy Memo SP 10-2011– REVISED; Title 7, <i>Code of Federal Regulations</i> , Section 226.20(o); Richard B. Russell National School Lunch Act, Section 9; California <i>Health and Safety Code</i> sections 113871, 113876, 114079, and 114432; California <i>Civil Code</i> Section 1714.25; California Department of Education Management Bulletins 96-110 and NSD-SNP-05-2008		
Supersedes	Management Bulletin Clarification Regarding the Use of Offer Versus Serve in Child and Adult Care Food Program At-risk, Afterschool Meal Programs (USDA-CACFP-11-2011)		

This Management Bulletin (MB) provides clarification regarding the use of Offer Versus Serve (OVS) for agencies that both:

- Participate in the Child and Adult Care Food Program (CACFP) At-risk, Afterschool Meal Program
- Serve meals prepared by school food authorities (SFAs) that participate in the National School Lunch Program (NSLP)

This MB supersedes the guidance provided in MB USDA-CACFP-11-2011, Clarification Regarding the Use of OVS in CACFP At-risk, Afterschool Meal Programs.

## **Background**

OVS is a concept that pertains to the meal patterns used in School Nutrition Programs (SNP). It allows students to decline two of the five food components offered in a school lunch, while still allowing programs to claim those meals as complete and reimbursable. The goals of implementing OVS are to reduce food waste and allow students to choose foods that they prefer.

## **Offer Versus Serve and Meal Pattern Substitutions**

As outlined in Title 7, *Code of Federal Regulations*, Section 226.20(o), agencies participating in the CACFP may substitute the NSLP meal pattern, including the use of OVS, if they serve meals prepared by an SFA that is participating in the NSLP. This means that if an At-risk, Afterschool Meal Program site is sponsored by an SFA, or if the agency operating the site has an agreement with an SFA for vended meals, the agency has a choice of using the CACFP meal pattern which does not allow OVS, or the NSLP meal pattern which may include OVS. If the CACFP agency chooses to use the NSLP meal pattern instead of the CACFP meal pattern, and implement OVS, they must reflect this in the food service agreement with the school that is providing the agency's meals. OVS cannot be used when serving snacks under the CACFP or NSLP.

### **Offer Versus Serve Requirements for the 2012 Food-based Menu Planning Approach in School Nutrition Programs**

<b>Meal Pattern</b>	<b>Minimum number of food components that must be offered</b>	<b>Minimum number of food components that must be taken</b>
NSLP	5	3 food components must be taken, including at least ½ cup of either a fruit or vegetable*

\* Agencies must offer five food components (milk, fruits, vegetables, grains, and meat/meat alternates). Students are allowed to decline two of the five required food components, but must take at least ½ cup of either a fruit or vegetable. Students must take the other food components in the quantities planned.

Keep in mind when determining which meal pattern to use that OVS can take more time as children take time to select the items they want and staff must document that the minimum items were taken by each child. If the student does not take at least three food components in the quantities planned, the meal cannot be claimed for reimbursement.

Information on the new SNP meal patterns can be viewed at the U.S. Department of Agriculture (USDA) Nutrition Standards for School Meals Web page at <http://www.fns.usda.gov/cnd/governance/legislation/nutritionstandards.htm>

If you have questions regarding the use of leftover food please refer to Management Bulletin

USDA-CNP-04-2012: Guidance on the Donation of Leftover Food, which can be accessed from the CACFP Management Bulletins Web page at <http://www.cde.ca.gov/ls/nu/cc/mb.asp>.

### **At-risk, Afterschool Meals Handbook**

The USDA has issued an update to the At-risk, Afterschool Meals Handbook that covers requirements of the at-risk, afterschool component of the CACFP. The most recent edition of the handbook can be downloaded from the USDA CACFP Afterschool Programs Web page at <http://www.fns.usda.gov/cnd/care/afterschool.htm>



### **Child and Adult Care Food Program Contact Information**

You may find a list of contact information for your CACFP specialist in the Download Forms section of the Child Nutrition Information and Payment System. You may also contact Robin Kraus, CACFP Unit Secretary, by phone at 916-327-2991 or by e-mail at [rkraus@cde.ca.gov](mailto:rkraus@cde.ca.gov).

### **National School Lunch Program Contact Information**

SFAs may contact Lori Porter, Child Nutrition Consultant (CNC), by phone at 916-322-1454 or by e-mail at [lporter@cde.ca.gov](mailto:lporter@cde.ca.gov); or Stephanie Enright, CNC, by phone at 916-323-0122 or by e-mail at [senright@cde.ca.gov](mailto:senright@cde.ca.gov).

# **Section 2**

## **Forms**

## MEDICAL STATEMENT TO REQUEST SPECIAL MEALS AND/OR ACCOMMODATIONS

1. SCHOOL/AGENCY	2. SITE	3. SITE TELEPHONE NUMBER	
4. NAME OF PARTICIPANT		5. AGE OR DATE OF BIRTH	
6. NAME OF PARENT OR GUARDIAN		7. TELEPHONE NUMBER	
<p>8. CHECK ONE:</p> <p><input type="checkbox"/> Participant has a disability or a medical condition and <i>requires</i> a special meal or accommodation. (Refer to definitions on reverse side of this form.) Schools and agencies participating in federal nutrition programs must comply with requests for special meals and any adaptive equipment. <b>A licensed physician must sign this form.</b></p> <p><input type="checkbox"/> Participant does not have a disability, but is requesting a special meal or accommodation due to food intolerance(s) or other medical reasons. Food preferences are not an appropriate use of this form. Schools and agencies participating in federal nutrition programs are encouraged to accommodate reasonable requests. <b>A licensed physician, physician's assistant, or registered nurse must sign this form.</b></p>			
9. DISABILITY OR MEDICAL CONDITION REQUIRING A SPECIAL MEAL OR ACCOMMODATION:			
10. IF PARTICIPANT HAS A DISABILITY, PROVIDE A BRIEF DESCRIPTION OF PARTICIPANT'S MAJOR LIFE ACTIVITY AFFECTED BY THE DISABILITY:			
11. DIET PRESCRIPTION AND/OR ACCOMMODATION: <i>(PLEASE DESCRIBE IN DETAIL TO ENSURE PROPER IMPLEMENTATION)</i>			
<p>12. INDICATE TEXTURE:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <input type="checkbox"/> Regular         <input type="checkbox"/> Chopped         <input type="checkbox"/> Ground         <input type="checkbox"/> Pureed       </div>			
<p>13. FOODS TO BE OMITTED AND SUBSTITUTIONS: <i>(PLEASE LIST SPECIFIC FOODS TO BE OMITTED AND SUGGESTED SUBSTITUTIONS. YOU MAY ATTACH A SHEET WITH ADDITIONAL INFORMATION)</i></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p style="text-align: center;"><b>A. Foods To Be Omitted</b></p> <hr/><hr/><hr/><hr/> </div> <div style="width: 48%;"> <p style="text-align: center;"><b>B. Suggested Substitutions</b></p> <hr/><hr/><hr/><hr/> </div> </div>			
14. ADAPTIVE EQUIPMENT:			
15. SIGNATURE OF PREPARER*	16. PRINTED NAME	17. TELEPHONE NUMBER	18. DATE
19. SIGNATURE OF MEDICAL AUTHORITY*	20. PRINTED NAME	21. TELEPHONE NUMBER	22. DATE

**\* Physician's signature is required for participants with a disability. For participants without a disability, a licensed physician, physician's assistant, or registered nurse must sign the form.**

The information on this form should be updated to reflect the current medical and/or nutritional needs of the participant.

In accordance with Federal law and U.S. Department of Agriculture policy, this agency is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410, or call (866) 877-8339 or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

## AGENCY MENU PRODUCTION RECORD - CENTERS

SITE NAME:										DATE (MM/DD/YYYY):			
Age Group	Est.	Actual	Menu	Serving Size			Required Components	Name of Food Used	From Simplified Buying Guide		Total Prepared		Amount Leftover
				1-2	3-5	6 +			Purchase Unit (PU)	Servings Per PU	Estimate	Actual	
1-2 yrs			Breakfast:				Juice, Fruit or Vegetable						
3-5 yrs							Grain/Bread						
6+ yrs							Milk						
Adults							Extra (optional)						
Total							Extra (optional)						
1-2 yrs			A.M. Supplement: (Serve 2 of these 4)				Meat or Meat Alternate						
3-5 yrs							Fruit or Vegetable						
							Grain/Bread						
Adults							Milk						
Total							Other (optional)						
1-2 yrs			Lunch or Supper:				Meat or Meat Alternate						
3-5 yrs							Fruit or Vegetable						
6+ yrs							Fruit or Vegetable						
Adults							Grain/Bread						
Total							Milk						
1-2 yrs			P.M. or Evening Supplement: (Serve 2 of these 4)				Meat or Meat Alternate						
3-5 yrs							Fruit or Vegetable						
6+ yrs							Grain/Bread						
Adults							Milk						
Total							Other (optional)						

## DAILY TRANSPORT RECORD - BULK

PREPARATION KITCHEN:								DATE:	
RECEIVING SITE:			TIME COUNT CALLED IN:		NO. OF MEALS REQUESTED:			COUNT CALLED IN BY:	
MEAL:		HOT PACK		COLD PACK		MILK		RECEIVING SITE INFORMATION	
		AMOUNT SENT	REC'D (%)	AMOUNT SENT	REC'D (%)	AMOUNT SENT	REC'D (%)	DELIVERY TEMPERATURE	SERVING TEMPERATURE
MENU ITEM	SERVING SIZE								
COMMENTS: _____ _____					SIGNATURE OF SITE STAFF RECEIVING AND COUNTING MEALS:				

## DAILY TRANSPORT RECORD- PRE-PACK

PREPARATION KITCHEN:								DATE:	
RECEIVING SITE:			TIME COUNT CALLED IN:		NO. OF MEALS REQUESTED:			COUNT CALLED IN BY:	
MEAL:		HOT PACK		COLD PACK		MILK		RECEIVING SITE INFORMATION	
		# SENT	REC'D (%)	# SENT	REC'D (%)	# SENT	REC'D (%)	DELIVERY TEMPERATURE	SERVING TEMPERATURE
MENU ITEM	SERVING SIZE								
COMMENTS: _____ _____					SIGNATURE OF SITE STAFF RECEIVING AND COUNTING MEALS:				

## CHILD AND ADULT CARE FOOD PROGRAM

### INSTRUCTIONS FOR USE

### STANDARD FOOD SERVICE VENDING AGREEMENT (DELIVERY)

The attached sample is a *Standard Agreement To Furnish Food Service* in the Child and Adult Care Food Program (CACFP); it can be used when an agency (or center) contracts with a food service vendor for meals that will be claimed for reimbursement under the CACFP. This agreement can be used when you contract with a school or other authorized public entity for the purchase of meals. If you contract with a commercial vendor or non-public agency, this agreement may be used **only** if the annual aggregate value of your food service contract is less than the limits specified below. If the annual aggregate value of the food service contract is over the limits identified below, formal contracting procedures, as outlined in Title 7 Code of Federal Regulations, Part 226.22, **are required**.

**Public and Private Agencies:** For purchases of meals, food, supplies, equipment, and other goods and services with an aggregate cost over \$100,000 in a fiscal year, you must follow formal bid procedures. Small purchase procedures are allowed only if the aggregate cost is less than \$100,000.

The agreement must be signed by both the agency and the vendor. This agreement contains the requirements outlined in the Code of Federal Regulations. **No deletions of clauses or items will be allowed without the approval of the Nutrition Services Division.** The *Schedule B -- Meal Pattern for Older Children* is a required part of the agreement. Additional clauses may be added to bring the agreement into conformance with applicable State or local laws governing your agency. And, if approved by the Nutrition Services Division, additional clauses may be added by either the agency or the vendor.

If you are a public agency, you can use your customary form of contract **if that form incorporates all of the provisions set forth in Sec. 226.6(i) of the Code of Federal Regulations**. A request to use your customary form must be submitted in writing to the Nutrition Services Division prior to the execution of the contract.

An agreement is valid for one year only. A new agreement must be executed annually. Submit a photocopy of each annual agreement to the CACFP for review **prior** to beginning program operations covered under the agreement. Copies of the completed agreement and all amendments must be retained by both the agency and the vendor. If only one original agreement is signed, we recommend that you retain it in your files.

If you have any questions regarding the use of this agreement or need clarification of the regulatory requirements for contracting, please call the Nutrition Services Division at (916) 445-0850 or toll free at (800) 952-5609.

VENDOR #:

AGREEMENT #:

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

THIS ENTERED INTO ON THIS FIRST DAY OF \_\_\_\_\_, \_\_\_\_\_ MONTH, \_\_\_\_\_ YEAR BY  
AND BETWEEN \_\_\_\_\_, HEREINAFTER REFERRED TO AS THE  
NAME OF AGENCY  
AGENCY, AND \_\_\_\_\_, HEREINAFTER REFERRED TO AS THE  
NAME OF FOOD SERVICE MANAGEMENT COMPANY  
VENDOR.

**WHEREAS,** IT IS NOT WITHIN THE CAPABILITY OF THE AGENCY TO PREPARE SPECIFIED MEALS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM (CACFP) FOR ENROLLED PARTICIPATING ADULTS; AND

**WHEREAS,** THE FACILITIES AND CAPABILITIES OF THE VENDOR ARE ADEQUATE TO PREPARE SPECIFIED MEALS FOR THE AGENCY'S FACILITY(IES); AND

**WHEREAS,** THE VENDOR IS WILLING TO PROVIDE SUCH SERVICES TO THE AGENCY ON A COST REIMBURSEMENT BASIS.

**THEREFORE,** BOTH PARTIES HERETO AGREE AS FOLLOWS:

**THE VENDOR AGREES TO:**

1. PREPARE THE MEALS (INCLUSIVE/EXCLUSIVE) OF MILK FOR \_\_\_\_\_  
NAME OF SITE  
DELIVERY TO THE AGENCY AT \_\_\_\_\_ BY \_\_\_\_\_  
ADDRESS OF SITE TIME  
EACH \_\_\_\_\_, IN ACCORDANCE WITH THE NUMBER OF MEALS REQUESTED AND  
\* WEEKDAY OR AS APPROPRIATE  
AT THE COST(S) PER MEAL LISTED BELOW:

BREAKFAST	\$ _____	EACH	LUNCH	\$ _____	EACH
SUPPLEMENT/SNACK	\$ _____	EACH	SUPPER	\$ _____	EACH

2. ASSURE THE AGENCY THAT NO TITLE III(C) FUNDS HAVE BEEN APPLIED TO THE COST OF OR TITLE III(C) COMMODITIES USED FOR THE PREPARATION OF THESE MEALS.

\* Negotiable time frame but should be no longer than 24 hours.

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

VENDOR #:

AGREEMENT #:

3. PROVIDE THE AGENCY, FOR APPROVAL, A PROPOSED MENU FOR EACH MONTH AT LEAST \* \_\_\_\_\_ DAYS PRIOR TO THE BEGINNING OF THE MONTH TO WHICH THE MENU APPLIES. ANY CHANGES TO THE MENU MADE AFTER AGENCY APPROVAL, MUST BE AGREED UPON BY THE AGENCY AND DOCUMENTED ON THE MENU RECORDS.
4. ASSURE THAT EACH MEAL PROVIDED TO THE AGENCY UNDER THIS CONTRACT MEETS THE MINIMUM REQUIREMENTS AS TO THE NUTRITIONAL CONTENT AS SPECIFIED BY THE CHILD AND ADULT CARE FOOD PROGRAM'S SCHEDULE B--MEAL PATTERN FOR OLDER CHILDREN (ATTACHED) WHICH IS EXCERPTED FROM THE TITLE 7 CODE OF FEDERAL REGULATIONS, PART 226.20.
5. MAINTAIN COST RECORDS SUCH AS INVOICES, RECEIPTS, AND/OR OTHER DOCUMENTATION THAT SHOWS THE PURCHASE, OR AVAILABILITY TO THE VENDOR, OF MEAL COMPONENTS, AS ITEMIZED IN THE MEAL PREPARATION RECORDS.
6. MAINTAIN FULL AND ACCURATE RECORDS WHICH DOCUMENT: (1) THE MENUS LISTING ALL MEALS PROVIDED TO THE AGENCY DURING THE TERM OF THIS CONTRACT; (2) A LISTING OF ALL NUTRITIONAL COMPONENTS OF EACH MEAL; AND, (3) AN ITEMIZATION OF THE QUANTITIES OF EACH COMPONENT USED TO PREPARE SAID MEAL. THE VENDOR AGREES TO PROVIDE MEAL PREPARATION DOCUMENTATION BY USING YIELD FACTORS FOR EACH FOOD ITEM AS LISTED IN THE USDA FOOD BUYING GUIDE WHEN CALCULATING AND RECORDING THE QUANTITY OF FOOD PREPARED FOR EACH MEAL.
7. MAINTAIN, ON A DAILY BASIS, AN ACCURATE COUNT OF THE NUMBER OF MEALS, BY MEAL TYPE, PREPARED FOR THE AGENCY. MEAL COUNT DOCUMENTATION MUST INCLUDE THE NUMBER OF MEALS REQUESTED BY THE AGENCY.
8. ALLOW THE AGENCY TO INCREASE OR DECREASE THE NUMBER OF MEAL ORDERS, AS NEEDED, WHEN THE REQUEST IS MADE WITHIN \* \_\_\_\_\_ HOURS OF THE SCHEDULED DELIVERY TIME.
9. PRESENT TO THE AGENCY AN INVOICE, ACCOMPANIED BY REPORTS, NO LATER THAN THE \* \_\_\_\_\_ DAY OF EACH MONTH THAT ITEMIZES THE PREVIOUS MONTH'S DELIVERY. THE VENDOR AGREES TO FORFEIT PAYMENT FOR MEALS WHICH ARE NOT READY WITHIN 1 HOUR OF THE AGREED UPON DELIVERY TIME, ARE SPOILED, OR UNWHOLESOME AT THE TIME OF DELIVERY, OR DO NOT OTHERWISE MEET THE MEAL REQUIREMENTS CONTAINED IN THIS AGREEMENT.
10. PROVIDE THE AGENCY WITH A COPY OF CURRENT HEALTH CERTIFICATIONS FOR THE FOOD SERVICE FACILITY IN WHICH IT PREPARES MEALS FOR USE IN THE CACFP. THE VENDOR SHALL ENSURE THAT ALL HEALTH AND SANITATION REQUIREMENTS OF THE CALIFORNIA RETAIL FOOD FACILITIES LAW AND CHAPTER 4 OF THE CALIFORNIA HEALTH AND SAFETY CODE ARE MET AT ALL TIMES.
11. OPERATE IN ACCORDANCE WITH CURRENT CACFP REGULATIONS.
12. RETAIN ALL REQUIRED RECORDS FOR A PERIOD OF THREE (3) YEARS AFTER THE END OF THE FISCAL YEAR TO WHICH THEY PERTAIN (OR LONGER, IF AN AUDIT IS IN PROGRESS) AND, UPON REQUEST, MAKE ALL ACCOUNTS AND RECORDS PERTAINING TO THE AGREEMENT AVAILABLE TO THE CERTIFIED PUBLIC ACCOUNTANT HIRED BY THE AGENCY, REPRESENTATIVES OF THE CALIFORNIA STATE DEPARTMENT OF EDUCATION, THE U.S. DEPARTMENT OF AGRICULTURE, AND THE U.S. GENERAL ACCOUNTING OFFICE FOR AUDIT OR ADMINISTRATIVE REVIEW AT A REASONABLE TIME AND PLACE.
13. NOT SUBCONTRACT FOR THE TOTAL MEAL, WITH OR WITHOUT MILK, OR FOR THE ASSEMBLY OF THE MEAL.

\* Negotiable time frame but should be no longer than 24 hours.



**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

VENDOR #:

AGREEMENT #:

**THE VENDOR CERTIFIES:**

1. NEITHER IT NOR ITS PRINCIPALS ARE PRESENTLY DEBARRED, SUSPENDED, PROPOSED FOR DEBARMENT, DECLARED INELIGIBLE, OR VOLUNTARILY EXCLUDED FROM PARTICIPATION IN THIS TRANSACTION BY ANY FEDERAL DEPARTMENT OR AGENCY.

WHERE THE BIDDER IS UNABLE TO CERTIFY TO ANY OF THE STATEMENTS IN THIS CERTIFICATION, SUCH AGENCY SHALL ATTACH AN EXPLANATION TO THIS PROPOSAL.

2. AS REQUIRED BY THE STATE DRUG-FREE WORKPLACE ACT OF 1990 (GOVERNMENT CODE SECTION 8350 ET. SEQ.) AND THE FEDERAL DRUG-FREE WORKPLACE ACT OF 1988, AND IMPLEMENTED AT TITLE 34 CODE OF FEDERAL REGULATIONS, PART 85, SUBPART F, FOR GRANTEES, AS DEFINED AT TITLE 34 CODE OF FEDERAL REGULATIONS, PART 85, SECTIONS 85.605 AND 85.610, THE BIDDER CERTIFIES THAT IT WILL CONTINUE TO PROVIDE A DRUG-FREE WORKPLACE.

**THE AGENCY AGREES TO:**

1. REQUEST BY TELEPHONE NO LATER THAN \_\_\_\_\_ AN ACCURATE NUMBER OF  
TIME OF DAY AND DAY OF WEEK

MEALS TO BE DELIVERED TO THE AGENCY ON EACH \_\_\_\_\_. NOTIFY THE  
WEEKDAY OR AS APPROPRIATE

VENDOR OF NECESSARY INCREASES OR DECREASES IN THE NUMBER OF MEAL ORDERS WITHIN \* \_\_\_\_\_ HOURS OF THE SCHEDULED DELIVERY TIME. ERRORS IN MEAL ORDER COUNTS MADE BY THE AGENCY SHALL BE THE RESPONSIBILITY OF THE AGENCY.

2. ENSURE THAT AN AGENCY REPRESENTATIVE RECEIVES THE MEALS FOR EACH SITE, AT THE SPECIFIED TIME ON EACH SPECIFIED DAY. THIS INDIVIDUAL WILL INSPECT AND SIGN FOR THE REQUESTED NUMBER OF MEALS. THIS INDIVIDUAL WILL VERIFY THE TEMPERATURE, QUALITY, AND QUANTITY OF EACH MEAL DELIVERED. THE AGENCY ASSURES THE VENDOR THAT THIS INDIVIDUAL WILL BE TRAINED AND KNOWLEDGEABLE IN THE RECORD KEEPING AND MEAL REQUIREMENTS OF THE CACFP, AND IN HEALTH AND SANITATION PRACTICES.
3. PROVIDE PERSONNEL TO SERVE MEALS, CLEAN THE SERVING AND EATING AREAS, AND ASSEMBLE TRANSPORT CARTS AND AUXILIARY ITEMS FOR RETURN TO THE VENDOR NO LATER THAN \_\_\_\_\_.  
TIME EACH DAY
4. NOTIFY THE VENDOR WITHIN \_\_\_\_\_ DAYS OF RECEIPT OF THE NEXT MONTH'S PROPOSED MENU OF ANY CHANGES, ADDITIONS, OR DELETIONS, WHICH WILL BE REQUIRED IN THE MENU REQUEST.
5. PROVIDE THE VENDOR WITH A COPY OF TITLE 7 CODE OF FEDERAL REGULATIONS, PART 226; THE CHILD AND ADULT CARE FOOD PROGRAM SCHEDULE B--MEAL PATTERN FOR OLDER CHILDREN; AND THE USDA FOOD BUYING GUIDE (AS APPLICABLE); AND ALL OTHER TECHNICAL ASSISTANCE MATERIALS PERTAINING TO THE FOOD SERVICE REQUIREMENTS OF THE CACFP. THE AGENCY WILL, WITHIN 24 HOURS OF RECEIPT FROM THE STATE AGENCY, ADVISE THE VENDOR OF ANY CHANGES IN THE FOOD SERVICE REQUIREMENTS OF THE CACFP.

\* Negotiable time frame but should be no longer than 24 hours.

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

VENDOR #:

AGREEMENT #:

6. PAY THE VENDOR BY THE \_\_\_\_\_ DAY OF EACH MONTH THE FULL AMOUNT AS PRESENTED ON THE MONTHLY ITEMIZED INVOICE. THE AGENCY AGREES TO NOTIFY THE VENDOR WITHIN 48 HOURS OF RECEIPT OF ANY DISCREPANCY IN THE INVOICE

**TERMS OF THE AGREEMENT:**

THIS AGREEMENT WILL TAKE EFFECT COMMENCING \_\_\_\_\_ AND SHALL BE FOR A PERIOD  
DATE

OF ONE CALENDAR YEAR. IT MAY BE TERMINATED BY WRITTEN NOTIFICATION GIVEN BY EITHER PARTY HERETO TO THE OTHER PARTY AT LEAST 30 DAYS PRIOR TO THE DATE OF TERMINATION.

**SCHOOL FOOD AUTHORITY VENDING TO AN AGENCY:**

PER TITLE 7, CODE OF FEDERAL REGULATIONS, PART 226.20 (O), AGENCIES WHICH VEND FROM A SCHOOL THAT PARTICIPATES IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS MAY USE THE SCHOOL'S MEAL PATTERN. ENTER THE SCHOOL MEAL INITIATIVE (SMI) PLANNING OPTION(S) YOU WILL USE AND SUBMIT A MENU TO THE AGENCY FOR NSD'S APPROVAL IF YOU WILL NOT USE THE STANDARD CACFP MEAL PATTERN:

If the Agency agrees to the menu planning option, the school will train the Agency by: \_\_\_\_\_

**AGENCY:**

Agrees to allow the school to use the SMI menu planning option noted above (submit menu for NSD's approval):

Yes ☐ No ☐

**IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DATES INDICATED BELOW:**

VENDOR OFFICIAL SIGNATURE	AGENCY OFFICIAL SIGNATURE
VENDOR OFFICIAL NAME (PLEASE TYPE)	AGENCY OFFICIAL NAME (PLEASE TYPE)
TITLE	TITLE
TELEPHONE NUMBER	TELEPHONE NUMBER
DATE	DATE

**SCHEDULE B**

**CHILD AND ADULT CARE FOOD PROGRAM  
MEAL PATTERN FOR OLDER CHILDREN  
NSD 2050B (REV. 07/03)**

<b>BREAKFAST</b>	<b>AGES ONE THROUGH TWO YEARS</b>	<b>AGES THREE THROUGH FIVE YEARS</b>	<b>AGES SIX THROUGH TWELVE YEARS</b>
MILK, FLUID	½ CUP	¾ CUP	1 CUP
VEGETABLE, FRUIT, OR FULL-STRENGTH (100%) JUICE	¼ CUP	½ CUP	½ CUP
GRAINS/BREADS (WHOLE GRAIN OR ENRICHED): BREAD OR ROLLS, MUFFINS, ETC. OR COLD DRY CEREAL (VOLUME OR WEIGHT, WHICHEVER IS LESS) OR COOKED CEREAL, PASTA, NOODLE PRODUCTS, OR CEREAL GRAINS	½ SLICE ½ SERVING ¼ CUP OR ⅓ OZ ¼ CUP	½ SLICE ½ SERVING ⅓ CUP OR ½ OZ ¼ CUP	1 SLICE 1 SERVING ¾ CUP OR 1 OZ ½ CUP
<b>LUNCH OR SUPPER</b>			
MILK, FLUID	½ CUP	¾ CUP	1 CUP
VEGETABLE AND/OR FRUIT (TWO OR MORE KINDS)	¼ CUP TOTAL	½ CUP TOTAL	¾ CUP TOTAL
GRAINS/BREAD (WHOLE GRAIN OR ENRICHED): BREAD OR ROLLS, MUFFINS, ETC. OR COOKED PASTA, NOODLE PRODUCTS, OR CEREAL GRAINS	½ SLICE ½ SERVING ¼ CUP	½ SLICE ½ SERVING ¼ CUP	1 SLICE 1 SERVING ½ CUP
MEAT/MEAT ALTERNATES LEAN MEAT, FISH, OR POULTRY (EDIBLE PORTION AS SERVED) OR ALTERNATE PROTEIN PRODUCTS ***** OR CHEESE (NATURAL OR PROCESSED) OR COTTAGE CHEESE, CHEESE FOOD/CHEESE SPREAD SUBSTITUTE OR EGG (LARGE) OR COOKED DRIED BEANS OR DRIED PEAS * OR PEANUT BUTTER, REDUCED-FAT PEANUT BUTTER, SOY NUT BUTTER, OR OTHER NUT OR SEED BUTTERS OR PEANUTS, SOY NUTS, TREE NUTS, ROASTED PEAS, OR SEEDS** OR YOGURT, PLAIN OR FLAVORED, UNSWEETENED OR SWEETENED OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF THE ABOVE MEAT/MEAT ALTERNATES	1 OZ 1 OZ 1 OZ ¼ CUP OR 2 OZ ½ EGG ¼ CUP 2 TBSP  ½ OZ** ½ CUP OR 4 OZ	1½ OZ 1½ OZ 1½ OZ ¾ CUP OR 3 OZ ¾ EGG ¾ CUP 3 TBSP  ¾ OZ** ¾ CUP OR 6 OZ	2 OZ 2 OZ 2 OZ ½ CUP OR 4 OZ 1 EGG ½ CUP 4 TBSP  1 OZ** 1 CUP OR 8 OZ
<b>SNACKS (SELECT TWO OF THESE FOUR COMPONENTS)***</b>			
MILK, FLUID	½ CUP	½ CUP	1 CUP
VEGETABLE, FRUIT, OR FULL-STRENGTH (100%) JUICE	½ CUP	½ CUP	¾ CUP
GRAINS OR BREADS (WHOLE GRAIN OR ENRICHED): BREAD OR ROLLS, MUFFINS, ETC. OR COLD DRY CEREAL (VOLUME OR WEIGHT, WHICHEVER IS LESS) OR COOKED CEREAL, PASTA, NOODLE PRODUCTS, OR CEREAL GRAINS	½ SLICE ½ SERVING ¼ CUP OR ⅓ OZ ¼ CUP	½ SLICE ½ SERVING ⅓ CUP OR ½ OZ ¼ CUP	1 SLICE 1 SERVING ¾ CUP OR 1 OZ ½ CUP
MEAT/MEAT ALTERNATES LEAN MEAT, FISH, OR POULTRY (EDIBLE PORTION AS SERVED) OR ALTERNATE PROTEIN PRODUCTS ***** OR CHEESE (NATURAL OR PROCESSED) OR COTTAGE CHEESE, CHEESE FOOD/CHEESE SPREAD SUBSTITUTE OR EGG (LARGE) OR YOGURT, PLAIN OR FLAVORED, UNSWEETENED OR SWEETENED**** OR COOKED DRIED BEANS OR DRIED PEAS* OR PEANUT BUTTER, REDUCED-FAT PEANUT BUTTER, SOY NUT BUTTER, OR OR OTHER NUT OR SEED BUTTERS OR PEANUTS, SOY NUTS, TREE NUTS, ROASTED PEAS, OR SEEDS OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF THE ABOVE MEAT/MEAT ALTERNATES	½ OZ ½ OZ ½ OZ ⅛ CUP OR 1 OZ ½ EGG ¼ CUP ⅓ CUP 1 TBSP  ½ OZ	½ OZ ½ OZ ½ OZ ⅛ CUP OR 1 OZ ½ EGG ¼ CUP ⅓ CUP 1 TBSP  ½ OZ	1 OZ 1 OZ 1 OZ ¼ CUP OR 2 OZ ½ EGG ½ CUP ¼ CUP 2 TBSP  1 OZ
<b>CERTIFICATION</b>			
<i>I hereby certify that all meals claimed shall meet the minimum requirements set forth in the meal patterns for infants and older children as prescribed by Title 7, Code of Federal Regulations, Section 226.20.</i>			
PRINTED NAME OF AGENCY'S AUTHORIZED REPRESENTATIVE	SIGNATURE	DATE	
AGENCY NAME			

**SCHEDULE B**

**CHILD AND ADULT CARE FOOD PROGRAM  
MEAL PATTERN FOR OLDER CHILDREN  
NSD 2050B (REV. 07/03)**

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- \* DRIED BEANS OR DRIED PEAS MAY BE USED AS A MEAT ALTERNATE OR AS A VEGETABLE COMPONENT; BUT **CANNOT** BE COUNTED AS BOTH COMPONENTS IN THE SAME MEAL.
- \*\* NO MORE THAN 50 PERCENT OF THE REQUIREMENT SHALL BE MET WITH NUTS OR SEEDS. NUTS OR SEEDS SHALL BE COMBINED WITH ANOTHER MEAT/MEAT ALTERNATE TO FULFILL THE REQUIREMENT. TO DETERMINE COMBINATIONS, 1 OZ. OF NUTS OR SEEDS IS EQUAL TO 1 OZ OF COOKED LEAN MEAT, POULTRY, OR FISH. ROASTED PEAS CAN COUNT AS A MEAT ALTERNATE OR VEGETABLE COMPONENT, BUT CANNOT BE COUNTED AS BOTH IN THE SAME MEAL.
- \*\*\* JUICE **CANNOT** BE SERVED WHEN MILK IS SERVED AS THE ONLY OTHER COMPONENT.
- \*\*\*\* IF YOGURT IS USED AS THE MEAT COMPONENT IN SNACKS, MILK **CANNOT** BE USED TO SATISFY THE SECOND COMPONENT REQUIREMENT. COMMERCIALY ADDED FRUIT OR NUTS IN FLAVORED YOGURT **CANNOT** BE USED TO SATISFY THE SECOND COMPONENT REQUIREMENT IN SNACKS.
- \*\*\*\*\* MUST MEET THE REQUIREMENTS PER TITLE 7 *CODE OF FEDERAL REGULATIONS*, SECTION 226.20.

## CHILD AND ADULT CARE FOOD PROGRAM INSTRUCTIONS FOR USE STANDARD AGREEMENT TO FURNISH FOOD SERVICE (DELIVERY)

The attached sample *Standard Agreement To Furnish Food Service* can be used when an agency (or center) contracts with a food service vendor for meals that will be claimed for reimbursement under the Child and Adult Care Food Program (CACFP). This agreement can be used when you contract with a school or other authorized public entity for the purchase of meals. If you contract with a commercial vendor or non-public agency, this agreement may be used **only** if the annual aggregate value of your food service contract is less than \$100,000. If the annual aggregate value of the food service contract is \$100,000 or more, formal contracting procedures, as outlined in Title 7 *Code of Federal Regulations*, Part 226.22, **are required**.

The agreement must be signed by both the agency and the vendor. This agreement contains the requirements outlined in the *Code of Federal Regulations*. **No deletions of clauses or items will be allowed without the approval of the Nutrition Services Division.** The *Schedule B—Meal Pattern for Adults* is a required part of the agreement. Additional clauses may be added to bring the agreement into conformance with applicable State or local laws governing your agency. And, if approved by the Nutrition Services Division, additional clauses may be added by either the agency or the vendor.

If you are a public agency you can use your customary form of contract **if that form incorporates all of the provisions set forth in Sec. 226.6(i) of the Code of Federal Regulations**. A request to use your customary form must be submitted in writing to the Nutrition Services Division prior to the execution of the contract.

An agreement is valid for one year only. A new agreement must be executed annually. Submit a photocopy of each annual agreement to the CACFP for review **prior** to beginning program operations covered under the agreement. Copies of the completed agreement and all amendments must be retained by both the agency and the vendor. If only one original agreement is signed, we recommend that you retain it in your files.

If you have any questions regarding the use of this agreement or need clarification of the regulatory requirements for contracting, please call the Nutrition Services Division at (916) 445-0850 or toll free at (800) 952-5609.

VENDOR #:

CNIPS ID #:

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

THIS AGREEMENT IS ENTERED INTO ON THIS FIRST DAY OF \_\_\_\_\_, 20\_\_\_\_ BY  
MONTH YEAR

AND BETWEEN \_\_\_\_\_, HEREINAFTER REFERRED TO AS THE  
NAME OF AGENCY

AGENCY, AND \_\_\_\_\_, HEREINAFTER REFERRED TO AS THE  
NAME OF FOOD SERVICE MANAGEMENT COMPANY

VENDOR.

**WHEREAS**, IT IS NOT WITHIN THE CAPABILITY OF THE AGENCY TO PREPARE SPECIFIED MEALS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM (CACFP) FOR ENROLLED PARTICIPATING ADULTS; AND

**WHEREAS**, THE FACILITIES AND CAPABILITIES OF THE VENDOR ARE ADEQUATE TO PREPARE SPECIFIED MEALS FOR THE AGENCY'S FACILITY(IES); AND

**WHEREAS**, THE VENDOR IS WILLING TO PROVIDE SUCH SERVICES TO THE AGENCY ON A COST REIMBURSEMENT BASIS;

**THEREFORE**, BOTH PARTIES HERETO AGREE AS FOLLOWS:

**THE VENDOR AGREES TO:**

1. PREPARE THE MEALS (INCLUSIVE/EXCLUSIVE) OF MILK FOR \_\_\_\_\_  
NAME OF SITE

DELIVERY TO THE AGENCY AT \_\_\_\_\_ BY \_\_\_\_\_  
ADDRESS TIME

EACH \_\_\_\_\_, IN ACCORDANCE WITH THE NUMBER OF MEALS REQUESTED AND  
WEEKDAY OR AS APPROPRIATE

AT THE COST(S) PER MEAL LISTED BELOW:

BREAKFAST	\$ _____	EACH	LUNCH	\$ _____	EACH
SUPPLEMENT/SNACK	\$ _____	EACH	SUPPER	\$ _____	EACH

2. ASSURE THE AGENCY THAT NO TITLE III(C) FUNDS HAVE BEEN APPLIED TO THE COST OF OR TITLE III(C) COMMODITIES USED FOR THE PREPARATION OF THESE MEALS.

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

VENDOR #:

CNIPS ID #:

3. PROVIDE THE AGENCY, FOR APPROVAL, A PROPOSED MENU FOR EACH MONTH AT LEAST \_\_\_\_\_ DAYS PRIOR TO THE BEGINNING OF THE MONTH TO WHICH THE MENU APPLIES. ANY CHANGES TO THE MENU MADE AFTER AGENCY APPROVAL, MUST BE AGREED UPON BY THE AGENCY AND DOCUMENTED ON THE MENU RECORDS.
4. ASSURE THAT EACH MEAL PROVIDED TO THE AGENCY UNDER THIS CONTRACT MEETS THE MINIMUM REQUIREMENTS AS TO THE NUTRITIONAL CONTENT AS SPECIFIED BY THE CHILD AND ADULT CARE FOOD PROGRAM'S SCHEDULE B–MEAL PATTERN FOR ADULTS (ATTACHED) WHICH IS EXCERPTED FROM THE FEDERAL REGULATIONS, TITLE 7 CODE OF FEDERAL REGULATIONS, PART 226.20.
5. MAINTAIN COST RECORDS SUCH AS INVOICES, RECEIPTS, AND/OR OTHER DOCUMENTATION THAT EXHIBITS THE PURCHASE, OR OTHERWISE AVAILABILITY TO THE VENDOR, OF THE MEAL COMPONENTS, AND ITEMIZED IN THE MEAL PREPARATION RECORDS.
6. MAINTAIN FULL AND ACCURATE RECORDS WHICH DOCUMENT: (1) THE MENUS LISTING ALL MEALS PROVIDED TO THE AGENCY DURING THE TERM OF THIS CONTRACT; (2) A LISTING OF ALL NUTRITIONAL COMPONENTS OF EACH MEAL; AND, (3) AN ITEMIZATION OF THE QUANTITIES OF EACH COMPONENT USED TO PREPARE SAID MEAL. THE VENDOR AGREES TO PROVIDE MEAL PREPARATION DOCUMENTATION BY USING YIELD FACTORS FOR EACH FOOD ITEM AS LISTED IN THE USDA FOOD BUYING GUIDE WHEN CALCULATING AND RECORDING THE QUANTITY OF FOOD PREPARED FOR EACH MEAL.
7. MAINTAIN, ON A DAILY BASIS, AN ACCURATE COUNT OF THE NUMBER OF MEALS, BY MEAL TYPE, PREPARED FOR THE AGENCY. MEAL COUNT DOCUMENTATION MUST INCLUDE THE NUMBER OF MEALS REQUESTED BY THE AGENCY.
8. ALLOW THE AGENCY TO INCREASE OR DECREASE THE NUMBER OF MEAL ORDERS, AS NEEDED, WHEN THE REQUEST IS MADE WITHIN \* \_\_\_\_\_ OF THE SCHEDULED DELIVERY TIME.
9. PRESENT TO THE AGENCY AN INVOICE, ACCOMPANIED BY REPORTS, NO LATER THAN THE \* \_\_\_\_\_ DAY OF EACH MONTH WHICH ITEMIZES THE PREVIOUS MONTH'S DELIVERY. THE VENDOR AGREES TO FORFEIT PAYMENT FOR MEALS WHICH ARE NOT READY WITHIN 1 HOUR OF THE AGREED UPON DELIVERY TIME, ARE SPOILED, OR UNWHOLESOME AT THE TIME OF DELIVERY, OR DO NOT OTHERWISE MEET THE MEAL REQUIREMENTS CONTAINED IN THIS AGREEMENT.
10. PROVIDE THE AGENCY WITH A COPY OF CURRENT HEALTH CERTIFICATIONS FOR THE FOOD SERVICE FACILITY IN WHICH IT PREPARES MEALS FOR USE IN THE CACFP. THE VENDOR SHALL ENSURE THAT ALL HEALTH AND SANITATION REQUIREMENTS OF THE CALIFORNIA RETAIL FOOD FACILITIES LAW AND CHAPTER 4 OF THE CALIFORNIA HEALTH AND SAFETY CODE ARE MET AT ALL TIMES.
11. OPERATE IN ACCORDANCE WITH CURRENT CACFP REGULATIONS.
12. RETAIN ALL REQUIRED RECORDS FOR A PERIOD OF THREE (3) YEARS AFTER THE END OF THE FISCAL YEAR TO WHICH THEY PERTAIN (OR LONGER, IF AN AUDIT IS IN PROGRESS); AND, UPON REQUEST, MAKE ALL ACCOUNTS AND RECORDS PERTAINING TO THE AGREEMENT AVAILABLE TO THE CERTIFIED PUBLIC ACCOUNTANT HIRED BY THE AGENCY, REPRESENTATIVES OF THE CALIFORNIA STATE DEPARTMENT OF EDUCATION, THE U.S. DEPARTMENT OF AGRICULTURE, AND THE U.S. GENERAL ACCOUNTING OFFICE FOR AUDIT OR ADMINISTRATIVE REVIEW AT A REASONABLE TIME AND PLACE.
13. NOT SUBCONTRACT FOR THE TOTAL MEAL, WITH OR WITHOUT MILK, OR FOR THE ASSEMBLY OF THE MEAL.

\* Negotiable time frame but should be no longer than 24 hours.

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

VENDOR #:

CNIPS ID #:

**THE VENDOR CERTIFIES:**

1. NEITHER IT NOR ITS PRINCIPALS ARE PRESENTLY DEBARRED, SUSPENDED, PROPOSED FOR DEBARMENT, DECLARED INELIGIBLE, OR VOLUNTARILY EXCLUDED FROM PARTICIPATION IN THIS TRANSACTION BY ANY FEDERAL DEPARTMENT OR AGENCY.

WHERE THE VENDOR IS UNABLE TO CERTIFY TO ANY OF THE STATEMENTS IN THIS CERTIFICATION, SUCH VENDOR SHALL ATTACH AN EXPLANATION TO THIS PROPOSAL.

2. AS REQUIRED BY THE STATE DRUG-FREE WORKPLACE ACT OF 1990 (GOVERNMENT CODE SECTION 8350 ET. SEQ.) AND THE FEDERAL DRUG-FREE WORKPLACE ACT OF 1988, AND IMPLEMENTED AT TITLE 34 CODE OF FEDERAL REGULATIONS, PART 85, SUBPART F, FOR GRANTEEES, AS DEFINED AT TITLE 34 CODE OF FEDERAL REGULATIONS, PART 85, SECTIONS 85.605 AND 85.610, THE BIDDER CERTIFIES THAT IT WILL CONTINUE TO PROVIDE A DRUG-FREE WORKPLACE.

**THE AGENCY AGREES TO:**

1. REQUEST BY TELEPHONE NO LATER THAN \_\_\_\_\_, AN ACCURATE NUMBER OF  
TIME OF DAY AND DAY OF WEEK  
MEALS TO BE DELIVERED TO THE AGENCY ON EACH \_\_\_\_\_. NOTIFY THE  
WEEKDAY OR AS APPROPRIATE  
VENDOR OF NECESSARY INCREASES OR DECREASES IN THE NUMBER OF MEAL ORDERS WITHIN \* \_\_\_\_\_ OF THE  
SCHEDULED DELIVERY TIME. ERRORS IN MEAL ORDER COUNTS MADE BY THE AGENCY SHALL BE THE RESPONSIBILITY OF  
THE AGENCY.
2. ENSURE THAT AN AGENCY REPRESENTATIVE RECEIVES THE MEALS FOR EACH SITE, AT THE SPECIFIED TIME ON EACH  
SPECIFIED DAY. THIS INDIVIDUAL WILL INSPECT AND SIGN FOR THE REQUESTED NUMBER OF MEALS. THIS INDIVIDUAL WILL  
VERIFY THE TEMPERATURE, QUALITY, AND QUANTITY OF EACH MEAL DELIVERED. THE AGENCY ASSURES THE VENDOR  
THAT THIS INDIVIDUAL WILL BE TRAINED AND KNOWLEDGEABLE IN THE RECORD KEEPING AND MEAL REQUIREMENTS OF  
THE CACFP, AND IN HEALTH AND SANITATION PRACTICES.
3. PROVIDE PERSONNEL TO SERVE MEALS, CLEAN THE SERVING AND EATING AREAS, AND ASSEMBLE TRANSPORT CARTS  
AND AUXILIARY ITEMS FOR RETURN TO THE VENDOR NO LATER THAN \_\_\_\_\_.  
TIME EACH DAY
4. NOTIFY THE VENDOR WITHIN \_\_\_\_\_ DAYS OF RECEIPT OF THE NEXT MONTH'S PROPOSED MENU OF ANY CHANGES,  
ADDITIONS, OR DELETIONS, WHICH WILL BE REQUIRED IN THE MENU REQUEST.
5. PROVIDE THE VENDOR WITH A COPY OF TITLE 7 CODE OF FEDERAL REGULATIONS, PART 226; THE CHILD AND ADULT CARE  
FOOD PROGRAM SCHEDULE B – MEAL PATTERN FOR ADULTS; OR THE USDA FOOD BUYING GUIDE (AS APPLICABLE); AND  
ALL OTHER TECHNICAL ASSISTANCE MATERIALS PERTAINING TO THE FOOD SERVICE REQUIREMENTS OF THE CACFP. THE  
AGENCY WILL, WITHIN 24 HOURS OF RECEIPT FROM THE STATE AGENCY, ADVISE THE VENDOR OF ANY CHANGES IN THE  
FOOD SERVICE REQUIREMENTS OF THE CACFP.



**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

VENDOR #:

CNIPS ID #:

6. PAY THE VENDOR BY THE \_\_\_\_\_ DAY OF EACH MONTH THE FULL AMOUNT AS PRESENTED ON THE MONTHLY ITEMIZED INVOICE. THE AGENCY AGREES TO NOTIFY THE VENDOR WITHIN 48 HOURS OF RECEIPT OF ANY DISCREPANCY IN THE INVOICE

**TERMS OF THE AGREEMENT:**

THIS AGREEMENT WILL TAKE EFFECT COMMENCING \_\_\_\_\_ AND SHALL BE FOR  
DATE

A PERIOD OF ONE CALENDAR YEAR. IT MAY BE TERMINATED BY NOTIFICATION GIVEN BY EITHER PARTY HERETO THE OTHER PARTY AT LEAST 30 DAYS PRIOR TO THE DATE OF TERMINATION.

**IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DATES INDICATED BELOW:**

VENDOR OFFICIAL SIGNATURE	AGENCY OFFICIAL SIGNATURE
VENDOR OFFICIAL NAME (PLEASE TYPE)	AGENCY OFFICIAL NAME (PLEASE TYPE)
TITLE	TITLE
TELEPHONE NUMBER	TELEPHONE NUMBER
DATE	DATE

**Child and Adult Care Food Program**  
**Meal Pattern for Adults: Schedule B**  
**NSD 7050 B**

**VENDOR #:**

**CNIPS#:**

<b>Breakfast</b>		
<b>Milk<sup>1</sup>, Fluid</b>	<b>Milk<sup>1</sup>, Fluid</b>	1 cup <sup>2</sup>
<b>Vegetable/Fruit<sup>3</sup></b>	<b>Vegetable/Fruit<sup>3</sup></b> , or Full-strength Juice, or Any Combination	½ cup or 4 oz.
<b>Grains/Bread<sup>4</sup></b> (whole grain, enriched, or fortified): Bread or one of the following:	<ul style="list-style-type: none"> <li>Bread</li> <li>Cornbread, Rolls, Muffins, or Biscuits</li> <li>Cold Dry Cereal (volume or weight, whichever is less)<sup>5</sup></li> <li>Cooked Cereal, Pasta, Noodle Products, or Cereal Grains, or equivalent</li> <li>Cooked Cereal Grains</li> <li>Or an equivalent quantity of any combination of Bread</li> </ul>	2 slices 2 servings 1½ cups or 2oz 1 cup 1 cup 1 cup
<b>Lunch or Supper</b>		
<b>Milk<sup>1</sup>, Fluid</b>	<b>Milk<sup>1</sup>, Fluid</b> (lunch only - milk is not required for supper)	1 cup <sup>2</sup>
<b>Vegetable/Fruit<sup>3</sup></b>	<b>Vegetable/Fruit<sup>3</sup></b> (two or more kinds served as individual menu items)	1 cup total
<b>Grains/Bread<sup>4</sup></b> (whole grain, enriched, or fortified): Bread or one of the following:	<ul style="list-style-type: none"> <li>Bread</li> <li>Cornbread, Rolls, Muffins, or Biscuits</li> <li>Cold Dry Cereal (volume or weight, whichever is less)<sup>5</sup></li> <li>Cooked Cereal, Pasta, Noodle Products, or Cereal Grains, or equivalent</li> <li>Cooked Cereal Grains</li> <li>Or an equivalent quantity of any combination of Bread</li> </ul>	2 slices 2 servings 1½ cups or 2oz 1 cup 1 cup 1 cup
<b>Meat/Meat Alternates<sup>6</sup></b> Lean Meat, Fish, Poultry (edible portion) or one of the following:	<ul style="list-style-type: none"> <li>Lean Meat, Fish, Poultry (edible portion)</li> <li>Cheese</li> <li>Cottage cheese, cheese food, or processed cheese spread</li> <li>Yogurt, plain, flavored, or sweetened</li> <li>Eggs</li> <li>Cooked dry beans, or peas</li> <li>Peanut butter, soy nut butter, other nut, or seed butters</li> <li>Peanuts, soy nuts, tree nuts, seeds, or whole roasted peas</li> <li>Or an equivalent quantity of any combination of meat/meat alternates</li> </ul>	2 oz. 2 oz. ½ cup or 4 oz. 1 cup or 8 oz. 1 egg ½ cup 4 tbsp. 1 oz. = 50% 2 oz. total
<b>A.M. Or P.M. Snack<sup>7</sup> (select 2 different food components)</b>		
<b>Milk<sup>1</sup>, Fluid</b>	<b>Milk<sup>1</sup>, Fluid</b>	1 cup
<b>Vegetable/Fruit<sup>3</sup></b>	<b>Vegetable/Fruit<sup>3</sup></b> , or full-strength juice, or any combination	½ cup or 4 oz.
<b>Grains/Bread<sup>4</sup></b> (whole grain, enriched, or fortified): Bread or one of the following:	<ul style="list-style-type: none"> <li>Bread</li> <li>Cornbread, Rolls, Muffins, or Biscuits</li> <li>Cold Dry Cereal (volume or weight, whichever is less)<sup>5</sup></li> <li>Cooked Cereal, Pasta, Noodle Products, or Cereal Grains, or equivalent</li> <li>Cooked Cereal Grains</li> <li>Or an equivalent quantity of any combination of Bread</li> </ul>	1 slice 1 serving ¾ cup or 1 oz. ½ cup ½ cup ½ cup
<b>Meat/Meat Alternates<sup>6</sup></b> Lean Meat, Fish, Poultry (edible portion) or one of the following:	<ul style="list-style-type: none"> <li>Lean Meat, Fish, Poultry (edible portion)</li> <li>Cheese</li> <li>Cottage cheese, cheese food, or processed cheese spread</li> <li>Yogurt, plain, flavored, or sweetened</li> <li>Eggs</li> <li>Cooked dry beans, or peas</li> <li>Peanut butter, soy nut butter, other nut, or seed butters</li> <li>Peanuts, soy nuts, tree nuts, seeds, or whole roasted peas</li> <li>Or an equivalent quantity of any combination of meat/meat alternates</li> </ul>	1 oz. 1 oz. ¼ cup or 2 oz. ½ cup or 4 oz. ½ egg ¼ cup or 2 oz. 2 tbsp. 1 oz. 1 oz. total

**Child and Adult Care Food Program**  
**Meal Pattern for Adults: Schedule B**  
**NSD 7050 B**

Participants may be served larger portions, but shall not be served less than the minimum quantities specified.

**Definitions**

1. **Milk:** Serve 1 cup (8 oz.) of fluid milk as a beverage or on cereal. Fluid milk is defined as pasteurized, unflavored or flavored, fat free, low fat, reduced fat, or whole milk. Acidified milk, cultured buttermilk, lactose-reduced milk may also be served. All milk must be fortified with vitamins A and D, and meet state and local standards. Milk is an optional food component at supper. Other substitutions for milk must be medically prescribed.
2. **Cup:** For purposes of the requirements outlined, a cup means a standard measuring cup, liquid or dry, as appropriate to meet the requirement for two components.
3. **Vegetable/Fruit for Lunch or Supper:** Serve 2 or more kinds of vegetable(s) and/or fruit(s) or a combination of both. Full-strength vegetable or fruit juice may be counted to meet only one of the two-item requirements.
4. **Grains/Breads:** Grain products, pasta noodles, and cereal grains (such as rice, bulgur oats, wheat, or corn grits) shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be whole-grain, enriched, or fortified. A bread serving is 1 slice of bread equivalent to 25 grams (0.9 to 1 oz.) in weight. Instructions for determining the appropriate serving sizes for grain products served as bread alternatives (crackers, pancakes, bulgur, etc.) are found in the simplified buying guide or the grain/breads chart for the Child Nutrition Programs.
5. **Quantity of Dry Cereal:** To measure dry cereal, use either volume (cup) or weight (oz.), whichever is less.
6. **Meat/Meat Alternates:** The meat/meat alternate component group is an option at the breakfast meal. No more than 50 percent of the requirement shall be met with nuts or seeds. Nut or seed butter may satisfy 100 percent of the requirement. Whole nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. When determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry, or fish; ¼ cup of cottage cheese is equal to 1 oz. of meat alternate; ½ cup of yogurt is equal to 1 oz. of meat/meat alternate. Frozen yogurt and other nonstandard yogurts are not creditable products and may not be used to satisfy any component requirement in a reimbursable meal.
7. **Snack:** Serve 2 or more kinds of vegetable(s) and/or fruits or a combination of both. Full-strength vegetable or fruit juice may be counted to meet only one of the two-item requirements.

**Child and Adult Care Food Program  
Meal Pattern for Adults: Schedule B  
NSD 7050 B**

**Offer versus Serve**

Adult Day Care Centers may use the offer versus serve (OVS) option for breakfast, lunch, and supper. The OVS option allows participants to refuse some of the food items required while still allowing those meals to be claimed for reimbursement. Under OVS each adult care center shall offer its adult participants all of the required food components as set forth in the requirements for meals (7 CFR 226.20). However, at the discretion of the adult day care center, adult participants may be permitted to decline the following:

- Breakfast: Participants may decline one serving of the four food items (one serving of milk, one serving of vegetable and/or fruit, or two servings of bread or bread alternate)
- Lunch: Participants may decline two servings of the six food items (one serving of milk, two servings of vegetable and/or fruit, two servings of bread or bread alternate, or one serving of meat or meat alternate)
- Supper: Participants may decline two servings of the five food items (two servings of vegetables and/or fruit, two servings of bread or bread alternate, or one serving of meat or meat alternate)

The price of a reimbursable meal shall not be affected if an adult participant declines a food item.

**CERTIFICATION**

Are meals provided using the Offer versus Serve option?    Yes                      No If yes, which meals    ( ) Breakfast    ( ) Lunch    ( ) Supper If yes, which meals? _____ If yes, what date will you begin the Offer versus Serve option? _____	
<p><b><i>I certify that the agency will comply with all meal and component requirements set forth in the federal regulations, 7 CFR part 226 and outlined above. I understand that any meal served that does not meet these requirements may not be claimed for reimbursement under the Child and Adult Care Food Program.</i></b></p>	
<b>Signature of Authorized Representative</b>	<b>Date</b>

# **CHILD AND ADULT CARE FOOD PROGRAM**



## **INVITATION FOR BID AND CONTRACT – DELIVERY Procurement of Vended Meals**

The U.S. Department of Agriculture's Child and Adult Care Food Program  
Administered by the California Department of Education  
Nutrition Services Division



In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

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## INTRODUCTION

The sample materials contained in this Invitation for Bid (IFB) and Contract package are supplied for use by agencies in the Child and Adult Care Food Program (CACFP) who contract for meals from vendors other than public or private schools and whose contracts for those meals would total more than \$100,000 during a program year. These materials and the processes described within meet the regulatory requirements prescribed by Title 7, *Code of Federal Regulations (7 CFR)*, parts 226.21, 226.22, 3015, 3016, and 3019. If the agency chooses to use a different contracting instrument, compliance with 7 *CFR*, parts 226.21, 226.22, 3015, 3016, and 3019 is mandatory, and the California Department of Education (CDE) must approve the contract.

Materials include:

- Attachment I** "Solicitation of Bids for Vended Meals" (a description of what the agency must do to start the bidding procedure) and the "Notice Inviting Bids" (a sample Legal Notice)
- Attachment II** "Summary of Process and Bid"—a form in which the agency summarizes the bid process and bids received, and which CDE reviews
- Attachment III** "Invitation for Bid and Contract"
- Section A** "Contract for Vended Meals"—the contractual agreement signature page
- Section B** "Certificate of Independent Price Determination"
- Section C** "Instruction to Bidders"
- Section D** "Scope of Services"
- Section E** "Unit Price Schedule and Instructions"—for the agency and the bidder to complete
- Section F** "Contract Provisions and Specifications"
- Section G** "General Conditions"
- Section H** "General Provisions for Contracts Exceeding \$100,000" and the "Clean Air and Water Certification"—to attach to IFB/Contracts
- Schedule A** "Centers Where the Program Will Operate"
- Schedule B** "Child and Adult Care Food Program Meal Pattern"—for infants, older children, and adults
- Schedule C** "Menu Cycle"—separate forms for each meal type, for the agency to complete as required (including a "Modified Menu for Medically Prescribed Diets"—for adult meals only)

The IFB package is available in the "Download Forms" section of the Child Nutrition and Information Payment System (CNIPS).

**INTRODUCTION, PAGE 2**

**INSTRUCTIONS**

1. Complete the bid package with the agency's information. (Make several copies of the bid package for dissemination to prospective bidders.)
2. Complete page 4 (the advertisement or public notice) and publish the notice at least once fourteen days before opening bids. Publish the notice in the Legal Notices section of a local newspaper that has general daily circulation in the agency's area or in an appropriate trade journal.
3. Solicit, in writing, bids from known food vendors in the agency's area. The solicitation must contain the same information found in the notice.
4. Receive an adequate number of bids—two or more. (If you do not receive an adequate number, contact your assigned CACFP specialist.)
5. On the bid closing date and time announced in the public notice, open all sealed bids received.
6. Complete page 5 (Attachment II).
7. Mail the following copies to your assigned CACFP specialist:
  - a. Each published notice
  - b. Documentation of all solicitations
  - c. The complete IFB (pages 5–31), including the federal, state, or local health certification for the plant in which the bidding vendor proposes to prepare meals, from each bidding vendor
8. Wait for your CACFP specialist to fax a signed copy of page 6 (Attachment III). (The state must respond within 10 working days of receipt.) This marks approval of the chosen food vendor.
9. Once you have receipt of approval, inform the chosen vendor in writing that you have selected them.
10. Fax your CACFP specialist a completed and signed copy of page 7—the executed contract itself (Section A of Attachment III).

**MENU PLANNING:** When planning menus, all CACFP agencies should follow CACFP Meal Pattern guidance found on pages 25-28 as well as the Key Recommendations found in the 2010 Dietary Guidelines for Americans [www.dietaryguidelines.gov](http://www.dietaryguidelines.gov).



**ATTACHMENT I**

**SOLICITATION OF BIDS FOR VENDED MEALS**

A formal bidding procedure must include a Public Notice or Advertisement Inviting Bids with adequate purchasing descriptions. This invitation for bids must appear in a newspaper having general circulation in the agency's area or in an appropriate trade journal. Fourteen calendar days must elapse between the Notice or Advertisement and the closing date for submission of bids. (These requirements are found in 7 *CFR*, Part 226.22.)

The Notice must include:

1. A complete description of the product subject for bid
2. The agency's name and the address at which the bid is to be submitted
3. The closing date and time for acceptance of bids
4. Information that only sealed bids may be accepted
5. Information that the bid opening will be made public at the time and place referred to in the notice
6. Information that the contract will be awarded to the lowest, most responsible and responsive bidder

In addition to the Public Notice or Advertisement Inviting Bids, bids must be solicited from two or more known suppliers within the agency's area. The solicitation must be made in writing and must contain the same information found in the Public Notice or Advertisement Inviting Bids.

**ATTACHMENT I, PAGE 2**

**This sample notice may be placed in the Legal Notices section of a local newspaper that has general daily circulation in the agency's area. The agency shall supply a completed IFB to each bidder who responds to the notice.**

**NOTICE INVITING BIDS**

Sealed bids will be received by \_\_\_\_\_  
AGENCY NAME

at \_\_\_\_\_  
AGENCY ADDRESS

until \_\_\_\_\_ for meals to be served in the center(s).  
TIME AND DATE FOR BID CLOSING PERIOD

At the time and place advertised, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud.

Description of Product for Bid:

COMPLETE DESCRIPTION OF PRODUCT DESIRED: TYPES OF MEALS NEEDED, NUMBER OF DAYS SERVICE IS DESIRED, NUMBER OF DELIVERY POINTS, AND PACKAGING

**OR**

The following types and quantities of meals:

BREAKFAST, A.M. SNACK, LUNCH, P.M. SNACK, SUPPER, AND/OR EVENING SNACK

Daily delivery of meals to \_\_\_\_\_ center(s).  
NUMBER OF SERVING SITES

Types or forms of packaging or containerizing to be used for meals (based on an 11-day menu cycle the agency will provide):

BULK, PREPACKAGED, UNITIZED, INCLUSIVE OF OR EXCLUSIVE OF MILK

All meals of each type must meet the minimum standards set by the USDA for CACFP meals of that type.

The contract will be awarded to the responsible bidder whose bid is responsive to this invitation and is most advantageous to the agency, price, and other factors considered.

Any or all bids may be rejected when it is in the interest of the agency to do so.

ATTACHMENT II

SUMMARY OF PROCESS AND BIDS

NOTICE INVITING BIDS\*

PUBLICATION DATE	NAME OF NEWSPAPER OR TRADE JOURNAL

\*Attach copies of the Media Certification(s) of Publication

BID OPENING

DATE	TIME	PLACE

AGENCY OFFICIAL WHO OPENED BID(S)	TITLE

WITNESSES

1.	3.
2.	4.

SUMMARY OF BIDS

NAME OF BIDDER	UNIT PRICES PER MEAL	TOTAL ESTIMATED BID

Was the lowest bid accepted?

Yes ☐ No ☐

If **No**, provide justification for acceptance of another bid (or attach it to this page):

***I certify the information provided above is true and correct. I understand that this information is being given in connection with the receipt of federal funds; that department officials may, for cause, verify information; and that deliberate misrepresentation will subject me to prosecution under applicable state and federal criminal statutes.***

SIGNATURE OF AUTHORIZED AGENCY REPRESENTATIVE	TITLE	DATE

**ATTACHMENT III**

**INVITATION FOR BID AND CONTRACT  
(DELIVERY)**

<b>ISSUED BY (AGENCY):</b>			
NAME		ADDRESS	
CITY	STATE	ZIP CODE	TELEPHONE NUMBER
<b>BID OPENING:</b>			
DATE	TIME	LOCATION	ISSUE DATE
<b>BID</b>			
This document contains an IFB for the furnishing of meals (unitized if applicable) to be served to participants of the CACFP established by the USDA (7 CFR, Part 226) and sets forth the terms and conditions applicable to the proposed procurement.			
NAME OF COMPANY			FEDERAL ID NUMBER
STREET ADDRESS			TELEPHONE NUMBER
CITY	STATE	ZIP CODE	
TOTAL ESTIMATED AMOUNT OF BID	Prompt Payment Discount:                      % for payment within                      days.		
By submission of this proposal, the contractor certifies that, in the event they receive an award under this solicitation, they shall operate in accordance with all applicable, current CACFP regulations.			
SIGNATURE OF AUTHORIZED REPRESENTATIVE		TITLE	DATE
<b>ACCEPTANCE</b>			
<i>Upon acceptance by the agency and review by the CDE, this document shall constitute the covenants, conditions, agreements, and stipulations of the contract between the contractor making the proposal and the agency named above.</i>			
CONTRACT NUMBER	AGENCY NAME		DATE
SIGNATURE OF AGENCY REPRESENTATIVE			
<b>PROCUREMENT METHOD: (Check One)</b>			
COMPETITIVE NEGOTIATION <input type="checkbox"/> COMPETITIVE SEALED BIDS <input type="checkbox"/> NONCOMPETITIVE NEGOTIATION <input type="checkbox"/>			
<b>FOR CDE USE ONLY</b>			
This contract was reviewed for compliance with 7 CFR, Part 226 by:			
SIGNATURE			DATE

**SECTION A**

**CONTRACT FOR VENDED MEALS**

**THIS AGREEMENT**, made and entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
in the State of California, by and between \_\_\_\_\_ hereinafter referred to as  
the agency and \_\_\_\_\_<sup>1</sup> hereinafter referred to as the contractor.

**WITNESSETH:**

That the contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the agency hereinafter expressed, does hereby agree to furnish to the agency services and materials as described in the original IFB, Sections A, B, C, D, E, F, G, and H, and Schedules A, B, and C, which were attached and made a part hereof by this reference.

The period of this contract shall be from \_\_\_\_\_ through \_\_\_\_\_.<sup>2</sup> This contract may be renewed for one-year periods up to four times upon agreement of the agency and the contractor. Any increase or decrease of the unit price(s) shall be negotiated during the renewal process.

In consideration of the service, performed in a manner acceptable to the agency and in compliance with the CACFP regulations, 7 *CFR*, Part 226, the agency shall pay the contractor within days of receipt, the full amount of the itemized invoices as confirmed by delivery receipts, at the unit price(s) specified in the contract.

The total amount payable by the agency to the contractor under this contract shall not exceed  
\$ \_\_\_\_\_.

**IN WITNESS WHEREOF**, this agreement has been executed by the parties hereto, upon the date first above written.

AGENCY	CONTRACTOR
AGENCY NAME	CONTRACTOR (STATE WHETHER A CORPORATION, PARTNERSHIP, ETC.)
BY (AUTHORIZED SIGNATURE)	BY (AUTHORIZED SIGNATURE)
PRINTED NAME OF PERSON SIGNING	PRINTED NAME AND TITLE OF PERSON SIGNING
TITLE	ADDRESS

<sup>1</sup> Sole proprietorship, partnership, corporation, etc.

<sup>2</sup> The original contract period cannot exceed one year.

**SECTION B**

**CERTIFICATE OF INDEPENDENT PRICE DETERMINATION,  
NO SANCTIONS, AND DRUG FREE WORKPLACE**

**BY SUBMISSION OF THIS BID, THE BIDDER CERTIFIES AND IN THE CASE OF A JOINT BID, EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATIONS, THAT IN CONNECTION WITH THIS PROCUREMENT:**

1. The prices in this bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.
2. Unless otherwise required by law, the prices that have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to bid opening, directly or indirectly to any other bidder or to any competitor.
3. No attempt has been made or will be made by the bidder to induce any person or firm to submit or not to submit a bid for the purpose of restricting competition.
4. Neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency. Where the bidder is unable to certify to any of the statements in this certification, such agency shall attach an explanation to this proposal.
5. As required by the State Drug-Free Workplace Act of 1990 (*Government Code* Section 8350 et. Seq.) and the Federal Drug-Free Workplace Act of 1988, and implemented at Title 34, *Code of Federal Regulations* (34 *CFR*), Part 85, Subpart F, for grantees, as defined at 34 *CFR*, Part 85, sections 85.605 and 85.610, the bidder certifies that it will continue to provide a drug-free workplace.

**EACH PERSON SIGNING THIS BID CERTIFIES:**

1. The bidder is the person in the bidder's organization responsible within that organization for the decision as to the prices being offered herein or that the bidder has been authorized in writing to act as agent for the persons responsible for such decisions in certifying that such persons have not participated and will not participate, in any action contrary to (1) through (3) above; and
2. The bidder has not participated, and will not participate, in any action contrary to (1) through (3) above.

**AND, AS THEIR AGENT, DOES HEREBY CERTIFY:**

SIGNATURE OF AUTHORIZED AGENT (CONTRACTOR)	TITLE	DATE
NAME OF CONTRACTOR		
<i><b>In accepting this bid, the agency certifies that the agency's officers, employees, or agents have not taken any action that may have jeopardized the independence of the bid referred to above.</b></i>		
SIGNATURE OF AUTHORIZED AGENCY REPRESENTATIVE	TITLE	DATE

**ACCEPTING A BID DOES NOT CONSTITUTE ACCEPTANCE OF THE CONTRACT**

**NOTE:** Authorized representatives of both the agency and bidder must execute this or a similar certificate of independent price determination.

**SECTION C**

**INSTRUCTION TO BIDDERS**

**1. Definitions** (as used herein):

- (a) The term "Invitation for Bid", hereafter referred to as IFB, means the document soliciting bids through the formal advertising method of procurement. In the case of this Program, the IFB becomes a part of the contract upon acceptance by the agency, review by CDE, and execution of the contractual agreement.
- (b) The term "Bid" means an offer to perform the work described in the IFB at the fixed unit price specified in accordance with the terms and conditions of the solicitation.
- (c) The term "Bidder" means a food service management company submitting a bid in response to this IFB.
- (d) The term "Contractor" means the food service management company to whom the bid is awarded and with whom the contractual agreement is executed.
- (e) The term "CDE" means the California Department of Education, Nutrition Services Division.
- (f) The term "Food Service Management Company" means an organization, other than a public or private nonprofit school, with which the agency may contract for preparing, and unless otherwise provided for, delivering meals, with or without milk, for use in the program.
- (g) The term "Agency" means the CACFP Agency that issues this IFB.
- (h) The term "Program" means the CACFP as set forth in the 7 *CFR*, Part 226.
- (i) The term "Unitized Meal" means an individual pre-portioned meal consisting of a combination of foods meeting the complete meal requirements, delivered as a unit and served as a unit, with or without milk.

Other terms shall have the meanings ascribed to them in the CACFP, 7 *CFR*, Part 226.

**2. Submission of Bids**

- (a) Bidders are expected to examine carefully the specifications, schedules, attachments, terms, and conditions of this IFB. Failure to do so shall be at the bidder's own risk.
- (b) Bids shall be executed and submitted in triplicate with one copy being marked "original". If accepted, this IFB will become a part of the contract and one copy of the accepted bid/contract will be forwarded to the successful bidder with the notice of award. The copy marked "original" shall be governing should there be a variance between that "original" copy of the bid and other copies submitted by the bidder. No changes in the specifications or general conditions as presented by the agency herein are allowed. Cross-outs on this bid shall be initialed by the bidder prior to submission.
- (c) A copy of a current state or local health certificate for the food preparation facilities shall be submitted with the bid.

Failure to comply with any of the above shall be reason for rejection of the bid.

**SECTION C, PAGE 2**

**3. Explanation to Bidders**

Any explanation desired by a bidder regarding the meaning or interpretation of the IFB specifications, etc., must be requested in writing prior to bid opening and with sufficient time allowed for a reply to reach all bidders before bid opening. Oral explanations or instructions given before the award of the contract shall not be binding. Any information given to a prospective bidder concerning an IFB shall be furnished to all prospective bidders as an amendment to the IFB if such information is necessary to bidders in submitting bids on the IFB, or if the lack of such information would be prejudicial to uninformed bidders.

**4. Acknowledgment of Amendments to IFBs**

Receipt of an amendment to an IFB by a bidder must be acknowledged by signing and returning the amendment. Such acknowledgment must be received prior to the hour and date specified for bid opening.

**5. Bidders Having Interest in More Than One Bid**

If more than one bid is submitted by any one person, by, or in the name of a clerk, partner, or other person, all such bids shall be rejected.

**6. Time for Receiving Bids**

Sealed bids shall be deposited at the address specified on the IFB of the agency no later than the exact time and date indicated on the face of this IFB. Bids received prior to the time of opening will be securely kept, unopened.

**7. Errors in Bids**

Bidders or their authorized representatives are expected to fully inform themselves as to the conditions, requirements, and specifications before submitting bids; failure to do so shall be at the bidder's own risk and the bidder cannot secure relief on the plea of error.

**8. Award of Contract**

- a) The contract will be awarded to the responsive and responsible bidder whose bid will be most advantageous to the agency, price, and other factors considered. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- b) The agency reserves the right to reject any or all bids and to waive informalities and minor irregularities in bids received when there are sound documented business reasons in the best interest of the program.
- c) The agency reserves the right to reject the bid of a bidder who has previously failed to perform properly or complete on-time contracts of a similar nature, or the bid of a bidder who investigation shows is unable to perform the contract.



**SECTION C, PAGE 3**

**9. Late Bids, Modifications of Bids, or Withdrawals of Bids**

- (a) Any bid received after the exact time specified for receipt will not be considered unless it is received before the award is made and it was sent by registered or certified mail, no later than the fifth calendar day prior to the date specified for the receipt of bids (e.g., a bid submitted in response to an IFB requiring receipt of bids by the 20th of the month must have been mailed by the 15th or earlier).
- (b) Any modification or withdrawal of a bid is subject to the same conditions as in (a). A bid may also be withdrawn in person by a bidder or a bidder's authorized representative, provided that person's identity is made known and s/he signs a receipt for the bid, but only if the withdrawal is made prior to the exact time set for receipt of bids.
- (c) The only acceptable evidence to establish the date of mailing of a late bid, modifications, or withdrawal sent either by registered or certified mail is the postmark. If the date on the postmark is illegible, the bid, modification, or withdrawal shall be deemed to have been mailed late. (The term "postmark" means, a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing.)
- (d) Notwithstanding the above, a late modification of an otherwise successful bid that makes its terms more favorable to the agency will be considered at any time it is received and may be accepted.

**SECTION D**

**SCOPE OF SERVICES**

1. The contractor agrees to deliver **unitized** or **bulk**<sup>1</sup> meals \_\_\_\_\_<sup>2</sup> of milk to locations set in the Schedule A, attached hereto and made a part hereof, subject to the terms and conditions of this solicitation.
2. All meals furnished for the program under this contract must meet or exceed USDA requirements set out in Schedule B, attached hereto and made a part hereof. All yields of cooked and uncooked products shall conform to yields identified in the USDA's Food Buying Guide.
3. The contractor agrees to furnish meals for the program in accordance with the menu cycle that appears in Schedule C, attached hereto and made a part hereof.
4. The contractor shall furnish meals for the program as ordered by the Agency during the period of \_\_\_\_\_<sup>3</sup> to \_\_\_\_\_<sup>3</sup>.
5. The contractor shall furnish meals for the program as ordered by the agency \_\_\_\_\_<sup>4</sup> days a week.

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<sup>1</sup> Delete non-applicable meal service type.

<sup>2</sup> Insert "inclusive" or "exclusive" as applicable.

<sup>3</sup> Agency shall insert contract commencement date and expiration date (cannot exceed one year).

<sup>4</sup> Agency shall insert appropriate number of serving days.

**SECTION E**

**UNIT PRICE SCHEDULE AND INSTRUCTIONS**

**Unit Price Schedule**

Bidders are to submit prices on the following meal types meeting the contract specifications set forth in Schedules B and C for meals to be delivered to all of the centers stated in **Schedule A**. (*See the example on the next page.*)

<b>A. Meal Type<sup>1</sup></b>	<b>B. Estimated Servings Per Day<sup>2</sup></b>	<b>C. Estimated Number of Serving Days<sup>3</sup></b>	<b>D. Unit Price<sup>4</sup></b>	<b>E. Total Price<sup>5</sup></b>
Breakfast				
A.M. Snack				
Lunch				
P.M. Snack				
Supper				
Evening Snack				

Bidders shall submit their bids on an "all or none" basis. Except as otherwise provided in this solicitation, if a contract is awarded as a result of this solicitation, it will bind the agency during the term of the contract, secure all of the identified meals from the successful bidder, and such contract shall bind the bidder/contractor to perform all such work ordered by the agency at prices specified in the contract. Award will be made to a single responsive and responsible bidder on the basis of the lowest aggregate cost to the agency. Evaluation of prices will be on the basis of the estimated requirements set forth herein.

**In the event of any inconsistencies or errors, the unit price (D) shall take precedence.**

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Instructions for completion of the Unit Price Schedule: (*See the example on the next page.*)

- <sup>1</sup> The agency shall indicate which meal types the contractor will be providing meals for during the contract period (strike-out extraneous meal types in Column A). If unitized meals will be required, the agency must indicate so by placing "unitized meal" in parenthesis after the meal type.
- <sup>2</sup> The agency shall fill in the estimated number of meals that will be served each day (Column B) by meal type during the contract period.
- <sup>3</sup> The agency shall fill in the number of anticipated operating days that meals will be served (Column C) during the contract period.
- <sup>4</sup> The bidder shall insert the appropriate unit price (Column D) for each meal type indicated by the agency.
- <sup>5</sup> The bidder shall calculate the total price (Column E) by multiplying B x C x D.

**SECTION E, PAGE 2**

**EXAMPLE**

<b>A. Meal Type<sup>1</sup></b>	<b>B. Estimated Servings Per Day<sup>2</sup></b>	<b>C. Estimated Number of Serving Days<sup>3</sup></b>	<b>D. Unit Price<sup>4</sup></b>	<b>E. Total Price<sup>5</sup></b>
Breakfast	100	180	.73	\$13,140.00
<del>A.M. Snack</del>				
<del>Lunch</del>				
<del>P.M. Snack</del>				
Supper (Unitized Meal)	100	180	2.92	\$26,280.00
<del>Evening Snack</del>				

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Instructions for completion of the Unit Price Schedule:

- <sup>1</sup> The agency shall indicate which meal types the contractor will be providing meals for during the contract period (strike-out extraneous meal types in Column A). If unitized meals will be required, the agency must indicate so by placing "unitized meal" in parenthesis after the meal type.
- <sup>2</sup> The agency shall fill in the estimated number of meals that will be served each day (Column B) by meal type during the contract period.
- <sup>3</sup> The agency shall fill in the number of anticipated operating days that meals will be served (Column C) during the contact period.
- <sup>4</sup> The bidder shall insert the appropriate unit price (Column D) for each meal type indicated by the agency.
- <sup>5</sup> The bidder shall calculate the total price (Column E) by multiplying B x C x D.

**SECTION F**

**CONTRACT PROVISIONS AND SPECIFICATIONS**

**1. Requirements Contract**

- (a) This is a requirements contract for services specified in the Sections and Schedules and for the period set forth herein. The quantities of such services specified herein are estimates only and are not purchased hereby. Except as may be otherwise provided herein, in the event the Agency's requirements for services set forth in the Sections and Schedules do not result in orders in the amounts or quantities described as "estimated" in the Sections and Schedules, such event shall not constitute the basis for an equitable price adjustment under this contract.
- (b) The agency shall not be required to purchase from the contractor requirements in excess of the limit on total orders under this contract, if any.
- (c) The agency may issue orders that provide for delivery or performance at multiple destinations.
- (d) The agency shall not be obligated to place any minimum dollar amount of orders under this contract or any minimum number of orders. The utilization of the Contractor for services specified in the Sections and Schedules will be dependent upon the needs and requirements of the agency.
- (e) Regulatory or guidance changes prescribed by the USDA or CDE, during the duration of this contract, shall be considered a basis for renegotiation with prior approval and agreement from CDE, of the terms and conditions of the contract between the agency and the contractor. Authority for such renegotiation must be requested from CDE, in writing by the agency, prior to the commencement of any such renegotiation.

**2. Pricing**

Pricing shall be on the numbers described in Section E, "Unit Price Schedule". All bidders must submit bids on the same menu cycle provided by the agency. Bid prices must include the price of food, milk (if applicable), packaging, transportation, and all other related costs (e.g., condiments, utensils, etc.) that are essential to the content of the food service.

**3. Evaluation of Bidders**

Each bidder will be evaluated on the following factors:

- (a) Financial capability to perform a contract of the scope required.
- (b) Adequacy of plant facilities for food preparation, with approved licensing certification that facilities meet all applicable state and local health, safety, and sanitation standards.
- (c) Previous experience performing services similar in nature and scope.
- (d) Other factors such as transportation capability, sanitation, and packaging.

Bidders that do not satisfactorily meet the above criteria may be rejected as unresponsive and not considered for award.

**SECTION F, PAGE 2**

**4. Unit Prices**

The unit prices of each meal type that the bidder agrees to furnish must be written in ink or typed in the blank space provided in Section E of the Unit Price Schedule, including proper packaging as required in the specifications, and the costs of delivery to the designated sites. Unit prices shall include taxes; but, any charges or taxes that are required to be paid under future laws must be paid by the bidder at no additional charge to the agency.

**5. Meal Orders**

The agency will order meals on \_\_\_\_\_<sup>1</sup> of the week preceding the week of delivery; orders will be placed for the total number of days in the succeeding week, and will include breakdown totals for each center and each type of meal. The agency reserves the right to increase or decrease the number of meals ordered on a \_\_\_\_\_<sup>2</sup> hour notice (or less if mutually agreed upon between the parties to this contract).

**6. Menu-cycle Change Procedure**

Meals shall be delivered on a daily basis in accordance with the menu cycle which appears in Schedule C. Deviation from this menu cycle shall be permitted only upon authorization of the agency. When an emergency situation prevents the contractor from delivering a specified meal component, the contractor shall notify the agency immediately so substitutions can be agreed upon. The agency reserves the right to periodically suggest menu changes that are within the contractor's food cost.

**7. Noncompliance**

The agency reserves the right to inspect and determine the quality of food delivered and reject any meals that do not comply with the requirements and specifications of the contract. The contractor shall not be paid for unauthorized menu changes, incomplete meals, meals not delivered within the specified delivery time period, and meals rejected because they do not comply with the specifications. The agency reserves the right to obtain meals from other sources if meals are rejected due to any of the stated reasons. The contractor shall be responsible for any excess cost, but will receive no adjustment in the event the meals are procured at a lesser cost. The agency or agency representative inspecting shall notify the contractor in writing as to the number of meals rejected and the reasons for rejection.

**8. Title III C Assurance**

The Contractor assures the agency that no Title III C funds will be applied to the cost of the meals furnished for the program under this contract.

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<sup>1</sup> Indicate the day of the week orders for the next week will be placed.

<sup>2</sup> Timeframe should be no longer than 24 hours.

**SECTION F, PAGE 3**

**9. Specifications**

**(a) Packaging**

- (1) Hot Meal Unit packaging shall be suitable for maintaining meals in accordance with local health standards. Container and overlay should have an airtight closure, be of non-toxic material, and be capable of withstanding temperatures of 400°F (204°C) or higher.
- (2) Cold Meal Unit or Unnecessary-to-heat Container and overlay shall be plastic or paper and non-toxic.
- (3) Cartons—each carton shall be labeled and the label shall include:
  - A. The processor's (plant) name and address
  - B. Item identity and meal type
  - C. Date of production
  - D. Quantity of individual units per carton
- (4) Meals shall be delivered with the following non-food items: condiments, straws, napkins, single service ware, etc.<sup>3</sup>

**(b) Food Preparation**

Meals shall be prepared under properly controlled temperatures and assembled not more than 24 hours prior to delivery.

**(c) Food Specifications**

Bids are to be submitted on the menu cycle included as Schedule C and shall include, at a minimum, the portions specified by the USDA for each meal, which are included in Schedule B of this IFB.

All meat and meat products, except sausage products, shall have been slaughtered, processed, and manufactured in plants inspected under a USDA approved inspection program and bear the appropriate seal. Upon delivery, all meat and meat products must be sound, sanitary, and free of objectionable odors or signs of deterioration.

**(d) Product Specifications**

Milk and milk products are defined as "...fluid types of pasteurized flavored or unflavored whole milk or low fat milk, or skim milk or cultured buttermilk, which meets State and local standards for such milk..." Milk delivered hereunder shall conform to these specifications. Note: only low fat (1 percent) or non fat milk can be served to individuals two years and older.

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<sup>3</sup> The agency shall insert or delete non-food items that are necessary for the meal to be eaten.

**SECTION G**

**GENERAL CONDITIONS**

**1. Delivery Requirements**

- (a) Deliveries shall be made by the contractor to each center listed on the attached **Schedule A** in accordance with the order from the agency.
- (b) Meals shall be delivered, unloaded, and placed in the designated center daily by the contractor's personnel at each of the locations and times listed on the **Schedule A**.
- (c) The contractor shall be responsible for the delivery of all meals and dairy products at the specified time. Adequate refrigeration or heating shall be provided during the transportation and delivery of all food to insure the wholesomeness of food at delivery in accordance with state or local health codes.
- (d) The agency reserves the right to add or delete centers. This shall be done by amendment of the **Schedule A**. The agency shall notify the contractor of such amendments to the **Schedule A** not less than one week prior to the required date of service. Any changes in transportation costs that occur as a result of adding or deleting centers shall be negotiated and noted in the modification. The contractor's invoice shall show the cost as a separate item for that center.

**2. Supervision and Inspection**

The contractor shall provide management supervision at all times and maintain constant quality control inspections to check for portion size, appearance, and packaging, in addition to the quality of products.

**3. Record Keeping**

- (a) Transport records must be prepared by the contractor—one for the contractor, one for center personnel, and one for the agency. Transport records must be itemized to show the number of meals of each type delivered to each center. Designees of the agency at each center will check the adequacy of the delivery and the meals before signing the delivery ticket. Invoices shall be accepted by the agency only if they accurately represent the transport records signed by the agency's designee at the center.
- (b) The contractor shall maintain records supported by transport records, purchase orders, and production records for this contract or other evidence for inspection and reference to support payments and claims.
- (c) The books and records of the contractor pertaining to this contract shall be available for a period of three years from the date the agency submits to CDE the final claim for reimbursement for meals provided under this contract, or until the final resolution of any audits for inspection and audit by representatives of CDE, the USDA, the agency, and the Controller General of the United States at any reasonable time and place.



**SECTION G, PAGE 2**

**4. Method of Payment**

The contractor shall submit its itemized invoice to the agency \_\_\_\_\_.<sup>1</sup> Each invoice shall give a detailed breakdown of the number of meals delivered and signed for at each center during the preceding \_\_\_\_\_.<sup>2</sup> Payment will be made at the unit price specified in the contract. No payment shall be made unless the required delivery receipts have been signed by the center representative of the agency.

**5. Inspection of Facility**

- (a) The agency, CDE, and the USDA reserve the right to inspect the contractor's preparation facilities prior to award and without notice at any time during the contract period, including the right to be present during preparation and delivery of meals.
- (b) The contractor's facilities shall be subject to periodic inspections by the USDA, state, and local health departments, or any other agency designated to inspect meal quality for the state. This will be accomplished in accordance with USDA regulations.
- (c) The contractor shall provide for meals which it prepares to be periodically inspected by the local health department or an independent agency to determine bacteria levels in the meals being prepared, transported, and delivered. Such levels shall conform to the standards which are applied by the local health authority with respect to the level of bacteria which may be present in meals served by other establishments in the locality.

**6. Insurance<sup>3</sup>**

**7. Availability of Funds**

The agency shall have the option to cancel this contract if the federal government withdraws funds to support the CACFP. It is further understood that, in the event of cancellation of the contract, the agency shall be responsible for meals that have already been assembled and/or delivered in accordance with this contract.

**8. Number of Meals and Delivery Times**

The contractor must provide the exact number of meals ordered. Counts of meals will be made at all centers before meals are accepted. Damaged or incomplete meals shall not be included when the number of delivered meals is determined.

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<sup>1</sup> Insert weekly, biweekly, or monthly as applicable.

<sup>2</sup> Insert week, two weeks, or month to correspond to the previous footnote.

<sup>3</sup> Agencies may insert their own insurance or bonding requirements or specifications as applicable.

**SECTION G, PAGE 3**

**9. Emergencies**

In the event of unforeseen emergency circumstances, the contractor shall immediately notify the agency of the following: (a) the impossibility of on-time delivery; (b) the circumstance(s) precluding delivery; and (c) a statement of whether or not succeeding deliveries will be affected. No payments will be made for deliveries made later than \_\_\_\_\_<sup>4</sup> hour(s) after specified mealtime. Emergency circumstances at the center precluding utilization of meals are the concern of the agency. The agency may cancel orders provided it gives the contractor at least \_\_\_\_\_<sup>5</sup> hours' notice. Adjustments for emergency situations affecting the contractor's ability to deliver meals or the agency's ability to utilize meals for periods longer than 24 hours will be mutually worked out between the contractor and the agency.

**10. Termination**

- (a) The agency reserves the right to terminate this contract if the contractor fails to comply with any of the requirements of this contract. The agency shall notify the contractor of specific instances of noncompliance in writing. In instances where the contractor has been notified of noncompliance with the terms of the contract and has not taken immediate corrective action, the agency shall have the right upon written notice to immediately terminate the contract and the contractor shall be liable for any damages incurred by the agency. The agency shall negotiate a repurchase contract on a competitive basis to arrive at a fair and reasonable price.
- (b) The agency shall by written notice to the contractor, terminate the right of the contractor to proceed under this contract if it is found by the agency that gratuities in the form of entertainment, gifts, or otherwise were offered or given by the contractor to any officer or employee of the agency, with a view toward securing the contract or securing favorable treatment with respect to the awarding or amending of the contract; provided that the existence of the facts upon which the agency makes such findings shall be in issue and may be reviewed in any competent court.
- (c) In the event this contract is terminated as provided in paragraph (b) hereof, the agency shall be entitled (i) to pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and (ii) as a penalty in addition to any other damages in an amount which shall not be less than three nor more than 10 times the cost incurred by the contractor in providing any such gratuities to any such officer or employee.
- (d) The rights and remedies of the agencies provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

**11. Subcontracts and Assignments**

The contractor shall not subcontract with any other contractor for the total meal, with or without milk, or for the assembly of the meal; and shall not assign, without the advance written consent of the agency, this contract or any interest therein. In the event of any assignment, the contractor shall remain liable to the agency as principal for the performance of all the contractor's obligations under this contract.

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<sup>4</sup> Timeframe should be no longer than two hours.

<sup>5</sup> Timeframe should be no longer than 48 hours.

SECTION G, PAGE 4

12. Equal Opportunity

**The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (Title 41, *Code of Federal Regulations*, Chapter 60).**

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not unlawfully discriminate against any employee or applicant for employment because of race, color, religion, national origin, or sex.

The contractor will take affirmative action to ensure that the evaluation and treatment of his/her employees and applicants for employment are free of such discrimination. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (*Government Code*, Section 12900 et seq.) and the applicable regulations promulgated thereunder (*California Administrative Code*, Title 2, Section 7285.0 et seq.) The applicable regulations of the Fair Employment and Housing Commission implementing *Government Code*, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the *California Administrative Code* are incorporated into this contract by reference and made a part hereof as if set forth in full. The contractor and the contractor's subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

- (b) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

- (c) In the event of the contractor's noncompliance with the equal opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the contractor may be declared ineligible for further state or federally funded contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law.

**SECTION H**

**GENERAL PROVISIONS FOR CONTRACTS EXCEEDING \$100,000**

PER 7 *CFR* PART 226.22 (L)(6), UNDER SECTION 306 OF THE CLEAN AIR ACT [42 *UNITED STATES CODE (USC)* 1837(H)], SECTION 508 OF THE CLEAN WATER ACT [33 *USC* 1368], EXECUTIVE ORDER 11738, AND U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGULATIONS [TITLE 40, *CODE OF FEDERAL REGULATIONS*, (40 *CFR*) PART 15] WHICH PROHIBIT THE USE UNDER NONEXEMPT FEDERAL CONTRACTS, GRANTS OR LOANS OF FACILITIES INCLUDED ON THE EPA LIST OF VIOLATING FACILITIES, THIS CERTIFICATION IS APPLICABLE IF THE BID OR OFFER EXCEEDS \$100,000, OR THE AGENCY OFFICIAL HAS DETERMINED THAT ORDERS UNDER AN INDEFINITE QUANTITY CONTRACT IN ANY YEAR WILL EXCEED \$100,000.

**Clean Air and Water**

The contractor agrees as follows:

1. To comply with all the requirements of Section 114 of the Clean Air Act, as amended (41 *USC* 1857, et seq., as amended by Public Law 91-604), and all requirements adopted pursuant to Division 26 of the California *Health and Safety Code*, Section 39000, et seq., respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements so specified, and all regulations and guidelines issued thereunder before the award of this contract.
2. To comply with all the requirements of Section 308 of the Federal Water Pollution Control Act (33 *USC* 1251, et seq., as amended by Public Law 92-500) and those adopted pursuant to the Porter-Cologne Water Quality Control Act (California *Water Code*, Division 7, Section 13000, et seq.), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said acts, and all regulations and guidelines issued thereunder before the award of this contract.
3. That no portion of the work required by this contract will be performed at a facility listed on the EPA List of Violating Facilities on the date when this contract was awarded unless and until the EPA eliminates the name of such facility or facilities from such listing.
4. To use his/her best efforts to comply with clean air standards and clean water standards at the facilities in which the contract is being performed.
5. To insert the substance of the provisions of this clause in any nonexempt subcontract including this paragraph.

**Energy Policy and Conservation Act (Public Law 94-163)**

The contractor agrees to comply with all mandatory standards and policies relating to energy efficiency as contained in the California *Administrative Code*, Title 24, pursuant to the California State energy efficiency conservation plan issued in compliance with Public Law 94-163.

**SECTION H, PAGE 2**

**CLEAN AIR AND WATER CERTIFICATION**

PER 7 *CFR* PART 226.22 (L)(6), UNDER SECTION 306 OF THE CLEAN AIR ACT [42 *USC* 1837(H)], SECTION 508 OF THE CLEAN WATER ACT [33 *USC* 1368], EXECUTIVE ORDER 11738, AND EPA REGULATIONS [40 *CFR* PART 15] WHICH PROHIBIT THE USE UNDER NONEXEMPT FEDERAL CONTRACTS, GRANTS OR LOANS OF FACILITIES INCLUDED ON THE EPA LIST OF VIOLATING FACILITIES, THIS CERTIFICATION IS APPLICABLE IF THE BID OR OFFER EXCEEDS \$100,000, OR THE AGENCY OFFICIAL HAS DETERMINED THAT ORDERS UNDER AN INDEFINITE QUANTITY CONTRACT IN ANY YEAR WILL EXCEED \$100,000.

1. The bidder certifies any facility to be utilized in the performance of this proposed contract  
has ☐ has not ☐  
been listed on the EPA List of Violating Facilities.
2. The bidder will promptly notify the agency official, prior to award, of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that any facility that the bidder proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities.
3. The bidder will include substantially this certification, in its entirety, in every nonexempt subcontract.

NAME OF CONTRACTOR		
SIGNATURE OF AUTHORIZED AGENT (CONTRACTOR)	TITLE	DATE

**SCHEDULE A**

**INVITATION FOR BID AND CONTRACT (DELIVERY)**

**CENTERS WHERE THE PROGRAM WILL OPERATE**

NAME OF CENTER	ADDRESS AND TELEPHONE NUMBER	AUTHORIZED DESIGNEE	TYPES OF MEALS	NUMBER OF EACH MEAL TYPE NEEDED	DELIVERY TIME FOR EACH MEAL TYPE	BEGINNING AND ENDING DATES OF PROGRAM AT EACH CENTER

**SCHEDULE B**

**CHILD AND ADULT CARE FOOD PROGRAM  
MEAL PATTERN FOR INFANTS**

CNIPS #:  
VENDOR #:

	BIRTH THROUGH THREE MONTHS	AGES FOUR THROUGH SEVEN MONTHS	AGES EIGHT THROUGH ELEVEN MONTHS
<b>BREAKFAST</b>	4 TO 6 FL OZ BREAST MILK <sup>1,2,3</sup> <b>OR</b> FORMULA <sup>1,4</sup>	4 TO 8 FL OZ BREAST MILK <sup>1,2,3</sup> <b>OR</b> FORMULA <sup>1,4</sup> 0 TO 3 TBSP INFANT CEREAL <sup>4,5</sup>	6 TO 8 FL OZ BREAST MILK <sup>1,2,3</sup> <b>OR</b> FORMULA <sup>1,4</sup> 2 TO 4 TBSP INFANT CEREAL <sup>4</sup> 1 TO 4 TBSP FRUIT <b>AND/OR</b> VEGETABLE
<b>LUNCH OR SUPPER</b>	4 TO 6 FL OZ BREAST MILK <sup>1,2,3</sup> <b>OR</b> FORMULA <sup>1,4</sup>	4 TO 8 FL OZ BREAST MILK <sup>1,2,3</sup> <b>OR</b> FORMULA <sup>1,4</sup> 0 TO 3 TBSP INFANT CEREAL <sup>4,5</sup> 0 TO 3 TBSP FRUIT <b>AND/OR</b> VEGETABLE <sup>5</sup>	6 TO 8 FL OZ BREAST MILK <sup>1,2,3</sup> <b>OR</b> FORMULA <sup>1,4</sup> 2 TO 4 TBSP INFANT CEREAL <sup>4</sup> <b>AND/OR</b> 1 TO 4 TBSP LEAN MEAT, FISH, POULTRY, EGG YOLK, COOKED DRY BEANS OR PEAS <b>OR</b> CHEESE <b>OR</b> (VOLUME) COTTAGE CHEESE <b>OR</b> (WEIGHT) CHEESE FOOD OR CHEESE SPREAD 1 TO 4 TBSP FRUIT <b>AND/OR</b> VEGETABLE
<b>SNACK</b>	4 TO 6 FL OZ BREAST MILK <sup>1,2,3</sup> <b>OR</b> FORMULA <sup>1,4</sup>	4 TO 6 FL OZ BREAST MILK <sup>1,2,3</sup> <b>OR</b> FORMULA <sup>1,4</sup>	2 TO 4 FL OZ BREAST MILK <sup>1,2,3</sup> FORMULA <sup>1,4</sup> <b>OR</b> FRUIT JUICE <sup>6</sup> 0 TO ½ SLICE BREAD <sup>5,7</sup> <b>OR</b> CRACKERS <sup>5,7</sup>

<sup>1</sup> BREAST MILK OR FORMULA, OR PORTIONS OF BOTH, MAY BE SERVED; HOWEVER, IT IS RECOMMENDED THAT BREAST MILK BE SERVED IN PLACE OF FORMULA FROM BIRTH THROUGH 11 MONTHS.

<sup>2</sup> FOR SOME BREASTFED INFANTS WHO REGULARLY CONSUME LESS THAN THE MINIMUM AMOUNT OF BREAST MILK PER FEEDING, A SERVING OF LESS THAN THE MINIMUM AMOUNT OF BREAST MILK MAY BE OFFERED, WITH ADDITIONAL BREAST MILK OFFERED IF THE INFANT IS STILL HUNGRY.

<sup>3</sup> ONLY THE INFANT'S MOTHER CAN PROVIDE BREAST MILK.

<sup>4</sup> INFANT FORMULA AND DRY INFANT CEREAL MUST BE IRON FORTIFIED.

<sup>5</sup> A SERVING OF THIS COMPONENT IS REQUIRED ONLY WHEN THE INFANT IS DEVELOPMENTALLY READY TO ACCEPT IT.

<sup>6</sup> FRUIT JUICE MUST BE FULL STRENGTH (100% JUICE) AND OFFERED FROM A CUP, NOT A BOTTLE, TO PREVENT TOOTH DECAY.

<sup>7</sup> MUST BE MADE FROM WHOLE GRAIN OR ENRICHED MEAL OR FLOUR.

**CERTIFICATION**

*I hereby certify that all meals claimed shall meet the minimum requirements set forth in the meal patterns for infants and older children as prescribed by Title 7, Code of Federal Regulations, Section 226.20.*

PRINTED NAME OF AGENCY'S AUTHORIZED REPRESENTATIVE	SIGNATURE	DATE
AGENCY NAME		

**SCHEDULE B**

**CHILD AND ADULT CARE FOOD PROGRAM  
MEAL PATTERN FOR OLDER CHILDREN**

CNIPS #:  
VENDOR #:

<b>BREAKFAST</b>	<b>AGES 1–2 YEARS</b>	<b>AGES 3–5 YEARS</b>	<b>AGES 6–12 YEARS</b>
MILK, FLUID	½ CUP	¾ CUP	1 CUP
VEGETABLE, FRUIT, OR FULL-STRENGTH (100%) JUICE	¼ CUP	½ CUP	½ CUP
GRAINS/BREADS (WHOLE GRAIN OR ENRICHED): BREAD OR ROLLS, MUFFINS, ETC. OR COLD DRY CEREAL (VOLUME OR WEIGHT, WHICHEVER IS LESS) OR COOKED CEREAL, PASTA, NOODLE PRODUCTS, OR CEREAL GRAINS	½ SLICE ½ SERVING ¼ CUP OR ⅓ OZ ¼ CUP	½ SLICE ½ SERVING ⅓ CUP OR ½ OZ ¼ CUP	1 SLICE 1 SERVING ¾ CUP OR 1 OZ ½ CUP
<b>LUNCH OR SUPPER</b>			
MILK, FLUID	½ CUP	¾ CUP	1 CUP
VEGETABLE AND/OR FRUIT (TWO OR MORE KINDS)	¼ CUP TOTAL	½ CUP TOTAL	¾ CUP TOTAL
GRAINS/BREAD (WHOLE GRAIN OR ENRICHED): BREAD OR ROLLS, MUFFINS, ETC. OR COOKED PASTA, NOODLE PRODUCTS, OR CEREAL GRAINS	½ SLICE ½ SERVING ¼ CUP	½ SLICE ½ SERVING ¼ CUP	1 SLICE 1 SERVING ½ CUP
<b>MEAT/MEAT ALTERNATES</b> LEAN MEAT, FISH, OR POULTRY (EDIBLE PORTION AS SERVED) OR ALTERNATE PROTEIN PRODUCTS ***** OR CHEESE (NATURAL OR PROCESSED) OR COTTAGE CHEESE, CHEESE FOOD/CHEESE SPREAD SUBSTITUTE OR EGG (LARGE) OR COOKED DRIED BEANS OR DRIED PEAS * OR PEANUT BUTTER, REDUCED-FAT PEANUT BUTTER, SOY NUT BUTTER, OR OTHER NUT OR SEED BUTTERS OR PEANUTS, SOY NUTS, TREE NUTS, ROASTED PEAS, OR SEEDS** OR YOGURT, PLAIN OR FLAVORED, UNSWEETENED OR SWEETENED OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF THE ABOVE MEAT/MEAT ALTERNATES	1 OZ 1 OZ 1 OZ ¼ CUP OR 2 OZ ½ EGG ¼ CUP 2 TBSP  ½ OZ** ½ CUP OR 4 OZ	1½ OZ 1½ OZ 1½ OZ ⅜ CUP OR 3 OZ ¾ EGG ⅜ CUP 3 TBSP  ¾ OZ** ¾ CUP OR 6 OZ	2 OZ 2 OZ 2 OZ ½ CUP OR 4 OZ 1 EGG ½ CUP 4 TBSP  1 OZ** 1 CUP OR 8 OZ
<b>SNACK (SELECT TWO OF THESE FOUR COMPONENTS)***</b>			
MILK, FLUID	½ CUP	½ CUP	1 CUP
VEGETABLE, FRUIT, OR FULL-STRENGTH (100%) JUICE	½ CUP	½ CUP	¾ CUP
GRAINS OR BREADS (WHOLE GRAIN OR ENRICHED): BREAD OR ROLLS, MUFFINS, ETC. OR COLD DRY CEREAL (VOLUME OR WEIGHT, WHICHEVER IS LESS) OR COOKED CEREAL, PASTA, NOODLE PRODUCTS, OR CEREAL GRAINS	½ SLICE ½ SERVING ¼ CUP OR ⅓ OZ ¼ CUP	½ SLICE ½ SERVING ⅓ CUP OR ½ OZ ¼ CUP	1 SLICE 1 SERVING ¾ CUP OR 1 OZ ½ CUP
<b>MEAT/MEAT ALTERNATES</b> LEAN MEAT, FISH, OR POULTRY (EDIBLE PORTION AS SERVED) OR ALTERNATE PROTEIN PRODUCTS ***** OR CHEESE (NATURAL OR PROCESSED) OR COTTAGE CHEESE, CHEESE FOOD/CHEESE SPREAD SUBSTITUTE OR EGG (LARGE) OR YOGURT, PLAIN OR FLAVORED, UNSWEETENED OR SWEETENED**** OR COOKED DRIED BEANS OR DRIED PEAS* OR PEANUT BUTTER, REDUCED-FAT PEANUT BUTTER, SOY NUT BUTTER, OR OTHER NUT OR SEED BUTTERS OR PEANUTS, SOY NUTS, TREE NUTS, ROASTED PEAS, OR SEEDS OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF THE ABOVE MEAT/MEAT ALTERNATES	½ OZ ½ OZ ½ OZ ⅛ CUP OR 1 OZ ½ EGG ¼ CUP ⅛ CUP 1 TBSP  ½ OZ	½ OZ ½ OZ ½ OZ ⅛ CUP OR 1 OZ ½ EGG ¼ CUP ⅛ CUP 1 TBSP  ½ OZ	1 OZ 1 OZ 1 OZ ¼ CUP OR 2 OZ ½ EGG ½ CUP ¼ CUP 2 TBSP  1 OZ

\* Dried beans or dried peas may be used as a meat alternate or as a vegetable component; but cannot be counted as both components in the same meal.

\*\* No more than 50 percent of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. To determine combinations, 1 oz of nuts or seeds is equal to 1 oz of cooked lean meat, poultry, or fish. Roasted peas can count as a meat alternate or vegetable component, but cannot be counted as both in the same meal.

\*\*\* Juice cannot be served when milk is served as the only other component.

\*\*\*\* If yogurt is used as the meat component in snacks, milk cannot be used to satisfy the second component requirement. Commercially added fruit or nuts in flavored yogurt cannot be used to satisfy the second component requirement in snacks.

\*\*\*\*\* Must meet the requirements per 7 CFR, Section 226.20.



**CHILD AND ADULT CARE FOOD PROGRAM  
MEAL PATTERN FOR ADULTS**

**SCHEDULE B**

<b>BREAKFAST</b>	
<b>MILK<sup>1</sup></b> , FLUID	<b>1 CUP<sup>2</sup></b>
<b>VEGETABLE/FRUIT<sup>3</sup></b> , OR FULL-STRENGTH JUICE, OR ANY COMBINATION	<b>½ CUP OR 4 OZ.</b>
<b>GRAINS/BREAD<sup>4</sup> (WHOLE GRAIN, ENRICHED, OR FORTIFIED): BREAD</b> OR CORNBREAD, ROLLS, MUFFINS, OR BISCUITS OR COLD DRY CEREAL (VOLUME OR WEIGHT, WHICHEVER IS LESS) OR COOKED CEREAL OR CEREAL GRAINS OR COOKED PASTA OR NOODLE PRODUCTS OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF BREAD/BREAD ALTERNATES	<b>2 SLICES</b> 2 SERVINGS <b>1½ CUPS OR 2 OZ.<sup>5</sup></b> 1 CUP 1 CUP 1 CUP
<b>LUNCH OR SUPPER</b>	
<b>MILK</b> , FLUID ( <b>LUNCH ONLY</b> - MILK IS NOT REQUIRED FOR SUPPER)	<b>1 CUP<sup>2</sup></b>
<b>VEGETABLE/FRUIT</b> (TWO OR MORE KINDS SERVED AS INDIVIDUAL MENU ITEMS)	<b>1 CUP TOTAL</b>
<b>GRAINS/BREAD (WHOLE GRAIN, ENRICHED, OR FORTIFIED): BREAD</b> OR CORNBREAD, ROLLS, MUFFINS, OR BISCUITS OR COLD DRY CEREAL (VOLUME OR WEIGHT, WHICHEVER IS LESS) OR COOKED CEREAL OR CEREAL GRAINS OR COOKED PASTA OR NOODLE PRODUCTS OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF BREAD/BREAD ALTERNATES	<b>2 SLICES</b> 2 SERVINGS <b>1½ CUPS OR 2 OZ.</b> 1 CUP 1 CUP 1 CUP
<b>MEAT/MEAT ALTERNATES<sup>6</sup>: LEAN MEAT, FISH, OR POULTRY</b> (EDIBLE PORTION) OR CHEESE OR COTTAGE CHEESE, CHEESE FOOD, OR PROCESSED CHEESE SPREAD YOGURT, PLAIN, FLAVORED, OR SWEETENED OR EGGS OR COOKED DRY BEANS, OR PEAS OR PEANUT BUTTER, SOY NUT BUTTER, OTHER NUT, OR SEED BUTTERS OR PEANUTS, SOY NUTS, TREE NUTS, SEEDS, OR WHOLE ROASTED PEAS OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF MEAT/MEAT ALTERNATES	<b>2 OZ.</b> 2 OZ. ½ CUP OR 4 OZ. 1 CUP OR 8 OZ. 1 EGG ½ CUP 4 TBSP. 1 OZ. = 50% 2 OZ. TOTAL
<b>SNACK<sup>7</sup> (SELECT TWO DIFFERENT FOOD COMPONENTS)</b>	
<b>MILK</b> , FLUID	<b>1 CUP<sup>2</sup></b>
<b>VEGETABLE/FRUIT</b> , OR FULL-STRENGTH JUICE, OR ANY COMBINATION	<b>½ CUP OR 4 OZ.</b>
<b>GRAINS/BREAD (WHOLE GRAIN, ENRICHED, OR FORTIFIED): BREAD</b> OR CORNBREAD, ROLLS, MUFFINS, OR BISCUITS OR COLD DRY CEREAL (VOLUME OR WEIGHT, WHICHEVER IS LESS) OR COOKED CEREAL OR CEREAL GRAINS OR COOKED PASTA OR NOODLE PRODUCTS OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF BREAD/BREAD ALTERNATES	<b>1 SLICE</b> 1 SERVING ¾ CUP OR 1 OZ. ½ CUP ½ CUP ½ CUP
<b>MEAT/MEAT ALTERNATES: LEAN MEAT, FISH, OR POULTRY</b> (EDIBLE PORTION) OR CHEESE OR COTTAGE CHEESE, CHEESE FOOD, OR PROCESSED CHEESE SPREAD YOGURT, PLAIN, FLAVORED, OR SWEETENED OR EGG OR COOKED DRY BEANS OR PEAS OR PEANUT BUTTER, SOY NUT BUTTER, OTHER NUT OR SEED BUTTERS OR PEANUTS, SOY NUTS, TREE NUTS, SEEDS, OR WHOLE ROASTED PEAS OR AN EQUIVALENT QUANTITY OF ANY COMBINATION OF MEAT/MEAT ALTERNATES	<b>1 OZ.</b> 1 OZ. ¼ CUP OR 2 OZ. ½ CUP OR 4 OZ. 1 EGG ¼ CUP OR 2 OZ. 2 TBSP. 1 OZ. 1 OZ. TOTAL

\* PARTICIPANTS MAY BE SERVED LARGER PORTIONS, BUT SHALL NOT BE SERVED LESS THAN THE MINIMUM QUANTITIES SPECIFIED.

1. **MILK:** SERVE 1 CUP (8 OZ.) OF FLUID MILK AS A BEVERAGE OR ON CEREAL. FLUID MILK IS DEFINED AS PASTEURIZED, UNFLAVORED OR FLAVORED, FAT FREE, LOW FAT, REDUCED FAT, OR WHOLE MILK. ACIDIFIED MILK, CULTURED BUTTERMILK, AND LACTOSE-REDUCED MILK MAY ALSO BE SERVED. ALL MILK MUST BE FORTIFIED WITH VITAMINS A AND D, AND MEET STATE AND LOCAL STANDARDS. MILK IS AN OPTIONAL FOOD COMPONENT AT SUPPER.
2. FOR PURPOSES OF THE REQUIREMENTS OUTLINED, A **CUP** MEANS A STANDARD MEASURING CUP, LIQUID OR DRY, AS APPROPRIATE.
3. **VEGETABLE/FRUIT FOR LUNCH OR SUPPER:** SERVE 2 OR MORE KINDS OF VEGETABLE(S) AND/OR FRUIT(S) OR A COMBINATION OF BOTH. FULL-STRENGTH VEGETABLE OR FRUIT JUICE MAY BE COUNTED TO MEET ONLY ONE OF THE TWO-ITEM REQUIREMENTS.
4. **GRAINS/BREADS:** GRAIN PRODUCTS, PASTA NOODLES AND CEREAL GRAINS (SUCH AS RICE, BULGUR OATS, WHEAT OR CORN GRITS) SHALL BE WHOLE-GRAIN OR ENRICHED; CORNBREAD, BISCUITS, ROLLS, MUFFINS, ETC., SHALL BE WHOLE-GRAIN, ENRICHED, OR FORTIFIED.  
  
A BREAD SERVING IS 1 SLICE OF BREAD, EQUIVALENT TO 25 GRAMS (0.9 TO 1 OZ) IN WEIGHT. INSTRUCTIONS FOR DETERMINING THE APPROPRIATE SERVING SIZES FOR GRAIN PRODUCTS SERVED AS BREAD ALTERNATIVES (CRACKERS, PANCAKES, BULGUR, ETC.) ARE FOUND IN THE *USDA FOOD BUYING GUIDE*. ALSO, SEE MANAGEMENT BULLETIN 97-305, ISSUED AUGUST 1997.
5. **QUANTITY OF DRY CEREAL:** TO MEASURE DRY CEREAL, USE EITHER VOLUME (CUP) OR WEIGHT (OZ) WHICHEVER IS LESS.
6. **MEAT/MEAT ALTERNATES:** THE MEAT/MEAT ALTERNATE COMPONENT GROUP IS AN OPTION AT THE BREAKFAST MEAL. NO MORE THAN 50 PERCENT OF THE REQUIREMENT SHALL BE MET WITH NUTS OR SEEDS. NUT OR SEED BUTTER MAY SATISFY 100 PERCENT OF THE REQUIREMENT. WHOLE NUTS OR SEEDS SHALL BE COMBINED WITH ANOTHER MEAT/MEAT ALTERNATE TO FULFILL THE REQUIREMENT. WHEN DETERMINING COMBINATIONS, 1 OZ OF NUTS OR SEEDS IS EQUAL TO 1 OZ OF COOKED LEAN MEAT, POULTRY, OR FISH; ¼ CUP OF COTTAGE CHEESE IS EQUAL TO 1 OZ OF MEAT ALTERNATE; ½ CUP OF YOGURT IS EQUAL TO 1 OZ OF MEAT/MEAT ALTERNATE.
7. **SNACKS:** SERVE FROM TWO OF THE FOUR COMPONENT FOOD GROUPS. FRUIT/VEGETABLE IS CONSIDERED A SINGLE COMPONENT; THUS, A SERVING OF FRUIT PLUS A SERVING OF VEGETABLE AT THE SAME SNACK WILL **NOT** MEET THE REQUIREMENT. JUICE (FRUIT OR VEGETABLE) MAY BE SERVED WITH MILK IN THE SAME SNACK SERVICE TO MEET THE REQUIREMENT FOR TWO COMPONENTS.

#### CERTIFICATION

***I CERTIFY THAT THE AGENCY AND THE VENDOR WILL COMPLY WITH ALL MEAL AND COMPONENT REQUIREMENTS SET FORTH IN THE FEDERAL REGULATIONS, 7 CFR, PART 226 AND OUTLINED ABOVE. I UNDERSTAND THAT THE VENDOR MAY NOT BE PAID FOR ANY MEAL PROVIDED THAT DOES NOT MEET THESE REQUIREMENTS AS STATED IN THE AGREEMENT TO FURNISH FOOD SERVICE, UNDER ITEM 9 OF THE VENDOR PROVISIONS.***

FOR AGENCY BY:

DATE

FOR CONTRACTOR BY:

DATE

**MENU CYCLE – DAYS 1 THROUGH 5**

<b>FOOD COMPONENTS</b>	<b>SERVING SIZE</b>	<b>DAY 1</b>	<b>DAY 2</b>	<b>DAY 3</b>	<b>DAY 4</b>	<b>DAY 5</b>
<b>Breakfast</b>  Grain/bread Vegetable/Fruit Milk, fluid Other						
<b>A.M. Snack</b>  Meat/meat alternate Grain/bread Vegetable/Fruit Milk, fluid Other						
<b>Lunch</b>  Meat/meat alternate Grain/bread Vegetable/Fruit (two or more kinds) Milk, fluid Other						
<b>P.M. Snack</b>  Meat/meat alternate Grain/bread Vegetable/Fruit Milk, fluid Other						
<b>Supper</b>  Meat/meat alternate Grain/bread Vegetable/Fruit (two or more kinds) Milk, fluid Other						

**MENU CYCLE – DAYS 6 THROUGH 11**

<b>FOOD COMPONENTS</b>	<b>SERVING SIZE</b>	<b>DAY 6</b>	<b>DAY 7</b>	<b>DAY 8</b>	<b>DAY 9</b>	<b>DAY 10</b>	<b>DAY 11</b>
<b>Breakfast</b> Grain/bread Vegetable/Fruit Milk, fluid Other							
<b>A.M. Snack</b> Meat/meat alternate Grain/bread Vegetable/Fruit Milk, fluid Other							
<b>Lunch</b> Meat/meat alternate Grain/bread Vegetable/Fruit (two or more kinds) Milk, fluid Other							
<b>P.M. Snack</b> Meat/meat alternate Grain/bread Vegetable/Fruit Milk, fluid Other							
<b>Supper</b> Meat/meat alternate Grain/bread Vegetable/Fruit (two or more kinds) Milk, fluid Other							

SCHEDULE C, PAGE 3 of 4 (REVISED 12/12)

# MODIFIED MENU FOR MEDICALLY PRESCRIBED ADULT DIETS

CYCLE	WEEK	FACILITY	DATE
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	FOOD COMPONENTS	SERVING SIZE	REGULAR	PRUDENT DIET (LOW FAT, SUGAR & SALT)	LOW SODIUM (INDICATE GRAMS)	DIABETIC & CALORIE CONTROLLED DIETS	RECORD SERVING SIZE			
						Food Components	1000 cal.	1200 cal.	1500 cal.	1800 cal.
<b>B R E A K F A S T</b>	Fruit/Vegetable	½ cup								
	Grain/bread	2 slices/2 oz								
	Milk, Fluid	1 cup	Low Fat	Non Fat	Low Fat		Non Fat	Non Fat	Low Fat	Low Fat
	Other									
<b>A M S N A C K</b>	(Choose 2 of 4)									
	Fruit/Vegetable	½ cup								
	Grain/bread	1 slice/1 oz								
	Meat/meat alternate	1 oz.								
	Milk	1 cup	Low Fat	Non Fat	Low Fat		Non Fat	Non Fat	Low Fat	Low Fat
<b>L U N C H  /  S U P P E R</b>	Meat/meat alternate	2 oz								
	Grain/bread	2 slice/1 cup								
	Vegetable/Fruit	_____ c.								
	(Total V/F = 1 cup)									
	Vegetable/Fruit	_____ c.								
	Milk <sup>1</sup>	1 cup	Low Fat	Non Fat	Low Fat		Non Fat	Non Fat	Low Fat	Low Fat
	Other									
<b>P M  S N A C K</b>	(Choose 2 of 4)									
	Fruit/Vegetable									
	Grain/bread	½ cup								
	Meat/meat alternate	1 slice/1 oz								
	Milk	1oz								
		1 cup	Low Fat	Non Fat	Low Fat		Non Fat	Non Fat	Low Fat	Low Fat

NOTE: "Mechanically soft" and "puree" are consistency modifications and not diet orders. Food from the appropriate diet column are to be chopped, ground, or pureed as necessary. "Prudent diet" is planned according to the *California Food Guide*.

<sup>1</sup> Milk is required for Lunch only; it is not required for Supper. When milk is identified as a snack component, non-fat or low fat as identified is required.

## Section 3: Claiming Reimbursement

**Child care institutions** receive two types of program reimbursement—federal and state meal—following the submission of the monthly reimbursement claim.

The federal reimbursement is a three-tier rate structure based upon the income eligibility categories of free, reduced-price, and base (paid) for each meal type: breakfast, lunch/supper, and snack. Additionally, institutions receive cash in lieu of commodities for each lunch and supper served. The state reimbursement is a single rate provided for every free and reduced-price breakfast and lunch.

**Adult care institutions** do not receive state reimbursement.

The federal and state meal reimbursement rates are updated annually and are posted on the Rates, Eligibility Scales, and Funding Page of the CDE Web site:

<http://www.cde.ca.gov/ls/nu/rs/>

In order to claim reimbursement, institutions must have documentation verifying that:

- participants are enrolled for care;
- eligibility determinations for participants (free, reduced-price, or base) are made in accordance with regulations;
- the number of meals claimed reflect actual meal participation.

### 3.1 Enrollment

#### (a) Child Care Centers

Child care centers must collect and maintain documentation of enrollment for each child. That is, the child's parents or guardians must enroll the child for care and sign a document to that effect with the center. Meals served to children who are not enrolled for care are not reimbursable.

Program regulations state that a child's enrollment document must:

- be updated annually;
- be signed by the child's parent or guardian;
- show normal days and hours of care;
- show the meals to be served during the hours of care.

If a center maintains accurate sign-in/sign-out sheets on a daily basis, the enrollment documents do not need to state the days and hours in care or expected meals. In

California, the Department of Social Services' Community Care Licensing Division requires child care centers to maintain daily sign-in/out sheets, whereby parents or guardians sign children in and out of care.

Since the sign-in/out sheets are required by an appropriate state agency, USDA regards their use as an acceptable alternative to the collection of information regarding child care hours and expected meals. However, child care centers still must annually update each child's enrollment document and ensure that each document is signed by a parent or guardian.

**At-risk, afterschool centers and emergency/homeless shelters are exempt from the enrollment requirements. See section 5 (Special Program Components—Child Care Centers Only) for more information.**

**(b) Adult Care Centers**

Adult care centers must collect and maintain documentation of the enrollment of each adult.

Program regulations state that an adult's enrollment documentation must:

- record the age of each participant;
- show that each participant under the age of 60 meets the functional impairment eligibility requirements (see **section 3.2**);
- record whether a participant resides in his or her own home or in a group living arrangement.

**Reference:** 7 *CFR* 226.2, 226.15(e)(2), 226.17(b)(8), 226.19a(b)(8), 226.19a(b)(10); Management Bulletins:

- 06-221 Second Interim Rule: Enrollment Records and Block Claiming  
<http://www.cde.ca.gov/ls/nu/cc/mb06221.asp>
- USDA-CACFP-05-2009 Enrollment Documentation for Child Care Centers  
<http://www.cde.ca.gov/ls/nu/cc/mbnsdcacfp052009.asp>

### 3.2 Eligibility

Eligibility documentation allows independent centers and center sponsors to determine how many enrolled participants are eligible for free and reduced-price meal reimbursement. The numbers of participants by eligibility category (free, reduced-price,

and base), in conjunction with the claimed meals, serve as the basis for the monthly reimbursement claims.

In order to be considered eligible for reimbursement, enrolled participants must meet the age requirements described below.

**Enrolled children** must be 12 years old or younger. However, this age limitation does not apply to the following children:

- Migrant children, who may be 15 years of age or younger
- Disabled children, who may be any age if the majority of the enrolled children are 18 years of age or younger
- Children in at-risk, afterschool care centers and emergency shelters, who may be 18 years of age or younger

**Enrolled adults** must be 60 years of age or older, or functionally impaired, as described below.

- **Functional Impairment:** A *functionally impaired adult* is a chronically impaired disabled person 18 years of age or older, including victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction. A functionally impaired adult has a markedly limited capacity to carry out daily living activities independently.

Independent centers and center sponsors must maintain a current, complete, and certified Meal Benefit Form (MBF) for each child or adult participant claimed in the free or reduced-price eligibility category, except for certain types of centers (see **section 3.3[c]**).

The MBF is valid for a period of 12 months. Consequently, during the program year a household is not required to report an increase in income, a decrease in household size, or ineligibility for benefits.

An institution may determine a participant to be eligible for free or reduced-price meals according to one of three methods: automatic eligibility, categorical eligibility, or income eligibility.

#### **(a) Automatic Eligibility—Child Participants Only**

There are five exceptions to the MBF process: (1) foster children with documentation of formal placement; (2) at-risk, afterschool care centers; (3) emergency/homeless shelters; (4) Early Head Start, Head Start, or Even Start centers; and (5) migrant centers.



(i) Foster Children

A child care center is not required to have an MBF for a foster child, as long as the center has a document from the appropriate agency verifying the status of the child as a foster child whose care and placement are the responsibility of the state, or that the foster child has been placed with a caretaker household by a court. If such a document is not available, the child care center must have the foster child's household complete an MBF that includes the foster child. In this case, the foster child is still categorically eligible for free meal reimbursement.

(ii) At-Risk, Afterschool Care Centers

An at-risk, afterschool care center must be area-eligible in order to participate in the CACFP. An area-eligible center is one that is located in the attendance area of a public school in which at least 50 percent of the enrolled children are eligible for free or reduced-price school meals. As a result, all children who attend an at-risk, afterschool care center are considered to be in the free eligibility category. All snacks or meals claimed will be reimbursed at the free rate. MBFs are not required. See **section 5.1** for information about at-risk, afterschool centers.

(iii) Emergency/Homeless Shelters

The children and eligible disabled adults who reside in emergency shelters are automatically eligible for free meals. All meals claimed by these facilities will be reimbursed at the free rate. MBFs are not required. Acceptable documentation for these participants includes certification signed and dated by the homeless liaison or shelter director containing the child's name, effective date of participation, and residence (e.g., shelter). Children in shelters may be 18 years old or younger. See **section 5.2** for a discussion of emergency shelters.

(iv) Early Head Start, Head Start, or Even Start Eligibility

Children who are enrolled in Early Head Start, Head Start, or Even Start centers are automatically eligible in the free eligibility category. MBFs are not required for these children. Acceptable documentation for these children includes an approved Early Head Start, Head Start, or Even Start application; a statement of Early Head Start, Head Start, or Even Start enrollment; or a list of participants from an Early Head Start, Head Start, or Even Start official.

(v) Migrant Centers

Children who are documented as migrant by the appropriate migrant education officials are automatically eligible in the free eligibility category. MBFs are not required. Acceptable documentation for these children includes a certification of migrant children that is signed and dated by the local operating agency's or school district's Migrant Education Program coordinator.

### **(b) Categorical Eligibility—Child and Adult Participants**

A child is categorically eligible for free meal benefits if he or she is a foster child placed in a household by a California state child welfare agency or court or is a member of a household that receives:

- CalFresh benefits (formerly Food Stamps);
- California Work Opportunity and Responsibility to Kids (CalWORKs) payments;
- Food Distribution Program on Indian Reservations (FDPIR) benefits;
- Kinship Guardianship Assistance Payment (Kin-GAP) program subsidies.

The Child MBF for a categorically eligible child must contain the following information:

- Name of the child
- Case number for CalFresh, CalWORKs, FDPIR, or Kin-GAP
- Signature of the parent or guardian

Household income and the last four digits of the parent or guardian's Social Security Number are not required. Institutions must certify the child as eligible for free meals by signing and dating the MBF.

An adult participant is categorically eligible for free meal benefits if he or she receives:

- CalFresh benefits;
- Food Distribution Program on Indian Reservations (FDPIR) benefits;
- Medicaid/Medi-Cal;
- Supplemental Security Income (SSI).

The Adult MBF for a categorically eligible adult must contain the following information:

- Name of the participant
- Case number for CalFresh, FDPIR, SSI, or Medicaid/Medi-Cal
- Signature of the participant/adult household member

Household income and the last four digits of the participant's Social Security Number are not required. Institutions must certify the adult as eligible for free meals by signing and dating the application.

As an alternative to the Adult MBF for categorically eligible participants, adult care agencies may use the Adult Agency Enrollment/Eligibility Roster Alternative Documentation. To use this roster, agencies must:

- prepare the roster with the month and year for which the roster is being certified;
- complete the roster with the name, benefit case number, eligibility date, and impairment (if applicable) of each participant;
- certify by signing and dating the roster;
- attach copies of documentation of each participant's eligibility for benefits (CalFresh, FDPIR, SSI, or Medicaid/Medi-Cal).

### **(c) Income Eligibility—Child and Adult Participants**

A participant is income-eligible for meals reimbursed at the free or reduced-price rate if the individual's family or household size and income, as stated on the MBF, are within the USDA Income Eligibility Guidelines; refer to the Rates, Eligibility Scales, and Funding Page of the CDE Web site for further information:

<http://www.cde.ca.gov/ls/nu/rs/>

#### **Meal Benefit Form**

A complete Child MBF must contain the following household information:

- Name of each child
- Names of the household members and their sources of income, if applicable
- Signature and the last four digits of the Social Security Number of the adult household member completing the application, or verification that the adult household member does not have a Social Security Number

The MBF must also contain the institution's certification, which consists of the following:

- Total household income
- Signature of the eligibility official
- Certification of eligibility status: free, reduced-price, or base
- Certification date for eligibility

For **adult care** participants, a complete MBF must contain the following household information:

- The participant's name and source(s) of income, if applicable
- The names of the other household members and their sources of income, if applicable
- The signature and last four digits of the Social Security Number of the adult household member completing the application, or verification that the adult household member does not have a Social Security Number

The MBF also must contain the institution's certification, which consists of the following:

- Certification that the participant is 60 years of age or older, or that the participant meets the functional impairment eligibility requirements
- The participant's type of residence (**see section 3.1**)
- Total household income
- Signature of the eligibility official
- Certification of eligibility status: free, reduced-price, or base
- Certification date for eligibility

## Helpful Definitions

The following definitions are helpful in determining household size.

**Household:** A household is defined as a group of related or unrelated individuals who reside together and function as one economic unit, sharing living expenses. *Household, family, and economic unit* are synonymous terms. The following definitions relate to the definition of a household:

- **Adopted child:** An adopted child is one for whom a family has accepted legal responsibility. The child is a member of the household in which the child resides.
- **Foster child:** A household may include any foster children formally placed in the household by a state child welfare agency or court.
- **Child away at school:** A child who is away at a boarding school or college should be counted as a member of the household in which the child ordinarily resides.

- **Military family:** Household members who are deployed must be counted as household members. However, only the portion of their income that is available to the family, excluding combat pay, should be counted as household income.

*Income* is defined as any money received on a recurring basis, including the following:

- **Work earnings:** Gross salaries and wages, net income from self-employment, strike benefits, unemployment compensation, and the like
- **Net earnings from self-employment:** Self-employed persons should report net rather than gross income. Households with income from both salaries and self-employment should list each amount separately.
- **Welfare, child support, and alimony:** Public assistance payments, child support payments, and alimony
- **Pensions, retirement, Social Security:** Pensions, retirement income, and Social Security payments
- **Other income:** Net rental income, net royalties, interest, dividend income, savings withdrawals, trust income, and other income regularly available to family

*Note:* If a foster child is included as a household member, only the foster child's personal-use income must be reported. Payments for the care of the child should not be reported.

- **Seasonal income:** Seasonal and migrant workers should report annual income as current income, because their income fluctuates from month to month.

Income does not include:

- student financial assistance (such as grants and scholarships);
- loans (e.g., bank loans);
- in-kind compensation (e.g., trade of professional services);
- occasional earnings (such as tax refunds or money received from occasional yard work);
- payments for the care of foster children.

**Reference:** 7 *CFR* 226.2, 226.11(c)(2), 226.11(c)(3), 226.15(e)(2), 226.17(b)(8), 226.17a, 226.19(b)(7)(i), 226.19a(b)(8), 226.23(e), 226.23(f); Management Bulletins:

- USDA-CACFP-09-2012 Guidance on Income Eligibility Determinations and Duration  
<http://www.cde.ca.gov/ls/nu/cc/mbusdacacfp09sfsp042012.asp>
- 05-202 Determinations for Certain Military Families  
<http://www.cde.ca.gov/ls/nu/sn/mb051020520205700.asp>
- 06-222 U.S. Armed Forces Supplemental Subsistence Allowance  
<http://www.cde.ca.gov/ls/nu/sn/mb061180622206703.asp>
- USDA-CNP-02-2010 Exclusion of Combat Pay from Income Eligibility  
<http://www.cde.ca.gov/ls/nu/sn/mbusdacnp022010.asp>
- 00-210 Establishing Eligibility for Free Meals  
<http://www.cde.ca.gov/ls/nu/sn/mb001100021000708.asp>
- 05-212 Clarification of Food Stamp Household  
<http://www.cde.ca.gov/ls/nu/sn/mb0511105212.asp>
- USDA-CNP-03-2009 Extending Categorical Eligibility to Additional Children in a Household  
<http://www.cde.ca.gov/ls/nu/sn/mbusdacnp032009.asp>
- USDA-CNP-05-2010 Extending Categorical Eligibility Q & A  
<http://www.cde.ca.gov/ls/nu/sn/mbusdacnp052010.asp>

#### **Forms:**

- Child Meal Benefit Form
- Adult Meal Benefit Form
- Adult Agency Enrollment/Eligibility Roster

### **3.3 Meal Participation**

In order to receive reimbursement, an institution must report the number of meals served to participants. To do this, institutions must have accurate records of:

- the total number of enrolled participants (by eligibility category);
- participants' daily attendance;

- the actual number of meals (by meal type) served to participants each day.

### **(a) Meal Count/Claiming Methods**

Institutions should select the meal count/claiming method that is most advantageous to its food service operation. There are two methods to choose from: Fixed Percentage and Actual Count. Institutions that operate a pricing program are required to use the Actual Count method (see **section 2.3[a]**).

#### **(i) Fixed Percentage**

The intent of the Fixed Percentage method is to reduce paperwork. With this method, an institution conducts a one-month enrollment/eligibility study to determine the numbers of free, reduced-price, and base (or paid) participants within its enrollment. This study is based on the enrollment and valid Meal Benefit Forms on file for the first month that the institution will claim: each October for continuing centers, or in the first month of operation for new centers. For instance, a center with an enrollment of 100 may have the following eligibility breakdown: 75 free, 15 reduced-price, and 10 base. Once the eligibility totals are reported, the NSD will then convert the figures into claiming percentages—in this example, 75 percent free, 15 percent reduced-price, and 10 percent base—and apply the percentages to the total meals claimed by the center in order to calculate the center's monthly reimbursements throughout the program year.

Using the above percentages, if the institution reports that it served a total of 1,000 lunches during June, the NSD will reimburse the institution in the following manner: 750 free lunches, 150 reduced-price lunches, and 100 base lunches.

After the claiming percentages are established, institutions are required to report new enrollment/eligibility data during a fiscal year only when (1) adding an approved site, (2) the average daily participation exceeds previously reported enrollment, or (3) a reporting error has been identified. An institution may update its enrollment/eligibility data on the claim if it is financially beneficial to the institution (for instance, if the number of participants eligible for free or reduced-price meals increases).

#### **(ii) Actual Count**

As with the Fixed Percentage method, an institution using the Actual Count method must determine the numbers of free, reduced-price, and base participants within its enrollment. However, institutions using the Actual Count method must conduct the enrollment/eligibility study for each month they wish to claim. Institutions using the Actual Count method are also required to use a roster system to take meal counts by eligibility category (free, reduced-price, and base) at the time of service for each meal type claimed. For example, when taking a meal count for breakfast, an institution must count the number of free breakfasts served, the number of reduced-price breakfasts served, and the number of base breakfasts served. Institutions must then consolidate total meals served by eligibility category to report each month. For instance, an institution may serve a total of 1,000 lunches during June; it must report the number of

lunches in each category (e.g., 800 free lunches, 150 reduced-price lunches, and 50 base lunches) and receive meal reimbursements accordingly.

### **(b) Eligibility Roster**

Once an institution has determined eligibility for all participants through Meal Benefit Forms or alternative documentation, its staff must create a roster that identifies each participant and his or her eligibility category. Institutions using the Fixed Percentage claiming method must develop a roster each October and for any other months in which the enrollment/eligibility is updated on the claim. Institutions using the Actual Count claiming method must develop a roster each month.

The eligibility roster must include:

- the month and year the roster was created;
- each participant's name and certified eligibility category (free, reduced-price, or base);
- the total number of participants in each category;
- the total number of participants enrolled at the site.

Institutions that choose to use the Fixed Percentage method of claiming are required to create a new eligibility roster and report revised enrollment only if:

- the Average Daily Participation (ADP) for a month is greater than the previously reported total enrollment;
- the institution adds a new site.

Institutions using the Fixed Percentage method may choose to create a new eligibility roster and report revised enrollment if it is financially beneficial to the institution (for instance, if the number of participants eligible for free or reduced-price meals increases).

### **(c) Daily Attendance and Point-of-Service Count**

Institutions must maintain accurate daily attendance records at all sites; the records must identify the time-in and time-out for each participant.

Institutions may have shifts of participants. For instance, one group of participants arrives in the morning and is served breakfast and lunch, and another group arrives at midday and is served lunch and a snack. In these instances, the institution must identify on the Site Application in the CNIPS the meals that are served to different shifts.



Institutions must record, at the point of service, the number of meals served to enrolled participants each day. This means that a staff member must count and record the total number of participants who participate in the meal service (family-style) or who are served a complete meal (pre-plated) at the time the meal is served. It is recommended that **child care centers** have a separate meal count form for each classroom so that the teacher can record the meal count. Daily counts of meals served to adult employees and any other non-enrolled persons must also be recorded, although they cannot be claimed for reimbursement.

- When institutions use the Fixed Percentage claiming method, the point-of-service count record need only show the total number of meals served to enrolled participants by meal type.
- When institutions use the Actual Count claiming method, the point-of-service count record must show the number of meals served to each enrolled child by each meal type and eligibility category.

**All meal counts must take place at the point of service. Counts of the number of meals ordered, the number of meals sent by the kitchen, or the day's attendance are not accurate or acceptable documentation for meal counts.**

**Reference:** 7 *CFR* 226.9(b), 226.15(e)(4), 226.17(b)(9), 226.17a(o), 226.19(b)(7), 226.19a(b)(9)

#### **Forms:**

- Meal Count Worksheet—Fixed Percentage Claiming
- Child Care Enrollment/Eligibility Roster

### **3.4 Submitting Reimbursement Claims**

Institutions must submit a reimbursement claim each month. All claims are submitted via the CNIPS database: <https://www.cnips.ca.gov/>

Independent centers and public or private, nonprofit center sponsors may report the total number of meals served at all sites. Private, for-profit center sponsors must report the number of meals served at each site.

#### **(a) Wraparound Programs—Child Participants Only**

Some centers have participants who are enrolled in an Early Head Start, Head Start, or Even Start program during part of the day and then participate in a State Preschool or regular child care program during the other part of the day. Children who are enrolled in wraparound programs such as these are automatically eligible for free meal reimbursement because of their enrollment in Early Head Start, Head Start, or Even

Start, and this eligibility carries over to any meals they are served in the State Preschool program.

However, when an institution is claiming meals for these children, it must report the children on the Head Start portion of the claim form **only** for those meals served during the Early Head Start, Head Start, or Even Start program. Staff must count the children in the Free category and report their meal counts in the child care portion of the claim form for those meals served during the State Preschool portion of the day.

In such wraparound programs, the institution must be sure that it has current, certified Meal Benefit Forms for all children who receive free or reduced-price meals and are enrolled **only** in the State Preschool or regular child care program.

### **(b) Claim Statuses and Submission Deadlines**

After an institution starts a claim in the CNIPS, the claim will have one of four possible statuses:

- (i) **Pending**—The institution has started a claim but has not yet submitted it via the CNIPS.
- (ii) **Error**—The institution has started a claim; however, the CNIPS has detected an error in the claim, and the institution cannot submit the claim yet via the CNIPS.
- (iii) **Accepted**—The institution has completed the claim and submitted it via the CNIPS.
- (iv) **Processed**—The CDE has processed the claim and forwarded it to the State Controller's Office for payment.

Claims must be submitted no later than 60 days after the claim month. A claim is not considered to be submitted until it has an **Accepted** status in the CNIPS. Therefore, an institution will not be able to submit its October claim in the CNIPS later than December 30, even if the claim was started earlier in the month.

Until a claim's status has changed to **Processed**, the claim may be modified and resubmitted by the institution at any time. Once the claim has been processed, an institution may submit a revised claim as follows:

- A revised claim resulting in a downward adjustment may be submitted at any time in the CNIPS.
- A revised claim resulting in an upward adjustment may be submitted only up to 60 days after the claim month.

### **(c) Average Daily Participation (ADP)**

As part of the claim submission process, institutions must calculate the ADP for their site(s). To perform this calculation, an institution should:

- use the daily meal count records for all approved sites to compile the number of participants who consumed at least one meal or snack in the claim month;
- divide that total by the greatest number of days that food was served.

For example, in June a center sponsor served meals at one site on five days and at another site on four days. At the first site, 12 participants ate at least one meal during the month. At the second site, 10 participants ate at least one meal during the month. The institution counts the total number of participants who consumed at least one meal or snack in the claim month and divides by the greatest number of days that food was served:

- $12+10 = 22/5 = 4.4$       **ADP = 5**

**Remember:** Because the ADP is an average of the number of participants served, always round up to include the fraction of a person.

#### **(d) Edit Checks—Center Sponsors Only**

Before filing the monthly reimbursement claim, a center sponsor must conduct an edit check for each center. The edit check must:

- Verify that the center is approved to serve the meals that are claimed. Centers have the option to serve all meals and snacks; however, the center may not claim more than two meals and one snack or two snacks and one meal per participant per day. **Note: Emergency shelters are authorized to claim two meals and one snack, two snacks and one meal, or three meals per participant per day.**
- Determine the accuracy of the center's claim. To do so, a sponsor must calculate the maximum number of meals at any meal service that a center may claim during a month. To make this calculation, a sponsor must multiply the center's enrollment by the number of operating days by the number of claimed meal types. For example, a center with an enrollment of 30 that operated for 20 days during the claim month and claimed three meal types (breakfast, lunch, and afternoon snack) would have a maximum number of 600 meals at each meal service—and a total of 1,800 meals that the center may claim. If the center claimed 600 or fewer meals for each meal type and 1,800 or fewer total meals, then the center's meal claim passes the edit check.

If, on the other hand, the center claimed more than 600 meals for one or more meal type or more than 1,800 total meals, then the sponsor must uncover the

reason for the meal counting error and correct the problem. Otherwise, a meal counting problem at any center could lead to a declaration by the NSD that the center sponsor is seriously deficient (see **section 4.6[b]**).

If the center sponsor identifies problems, the sponsor must assess the frequency and severity of the problem to determine the course of action. The sponsor may decide that further training and oversight will correct the problem, particularly if the center is new to the program.

In contrast, the sponsor may decide that the claiming errors are grounds for serious deficiency. In that case, the sponsor must immediately correct the problem, because the center's claiming problems may be grounds for the NSD to declare the sponsor seriously deficient (see **section 4.6[b]**).

**Reference:** 7 *CFR* 226.9(b), 226.10(c), 226.11(b)(1); Management Bulletins:

- NSD-CNP-01-2010 Reimbursement Claim One-Time Exception  
<http://www.cde.ca.gov/ls/nu/sn/mbnsdcnp012010.asp>
- USDA-CACFP-03-2011 Elimination of Block Claim Edit Checks in the Child and Adult Care Food Program  
<http://www.cde.ca.gov/ls/nu/cc/mbusdacacfp032011.asp>

## **Section 3**

# **Management Bulletins**

<b>NUTRITION SERVICES DIVISION MANAGEMENT BULLETIN</b>		<b>No. 00-110 NPM No. 00-210 CACFP No. 00-708 SFSP</b>
<b>TO:</b>	All Child Nutrition Program Sponsors County Superintendent of Schools Diocesan Superintendents of Schools	<b>ISSUE DATE:</b> October 2000
<b>ATTENTION:</b>	Food Service Directors	
<b>SUBJECT:</b>	Establishing Eligibility for Free Meals	
<b>REFERENCE:</b>	USDA APB: CNP-00-10	

This Management Bulletin provides clarification regarding the use of Electronic Benefit Transfer (EBT), Temporary Assistance for Needy Families (TANF), and Food Stamp Program case numbers to establish eligibility for free meals in all child nutrition programs.

### Definition of Terms

- **Temporary Assistance to Needy Families (TANF).** This federal program, which replaces Aid to Families with Dependent Children (AFDC), provides monetary assistance to families in need. A TANF case number is assigned to families or individuals eligible to receive benefits.
- **California Work Opportunity and Responsibility to Kids (CalWORKs).** This is the title California uses for the federal TANF program. The terms TANF and CalWORKs refer to the same basic program and are used interchangeably in child nutrition documents. A CalWORKs case number is assigned to families or individuals eligible to receive benefits.
- **Food Stamp Program case number.** This is a number assigned to a family or individual currently eligible for food stamp benefits. Check with your local welfare office for the food stamp case number format used in your area.
- **Electronic Benefit Transfer (EBT) Card.** A contracted manufacturer provides this card to a food stamp recipient. The EBT card works much like a retail debit card in that a certain level of benefits are assigned to it. As the food stamp recipient uses the benefits, the balance diminishes. Depending on the recipient, additional benefits may or may not be renewed each month.

**All Points Bulletin (ABP) CNP-00-10** states that CalWORKs/TANF or food stamp case numbers may be used to establish a child's eligibility for free meals in child nutrition programs. The State of California, through the CalWORKs program, determines the nature and extent of benefits under the TANF program. If a child receives CalWORKs benefits or resides in a household that receives food stamp benefits, the USDA's Food and Nutrition Service considers the child categorically eligible for free meals. Placement of the proper food stamp or CalWORKs case number on the free and reduced price meal application allows an automatic determination of eligibility for free meal benefits. You should check with your local welfare office to determine the appropriate food stamp and CalWORKs case number formats. Any number provided on the application for free and reduced price meals that does not meet this designated format for your area should be questioned.

The EBT card is not considered as proof of eligibility for food stamp benefits. The EBT card does not reflect the current food stamp eligibility status of the recipient. Also, the person who has possession of the EBT card may be acting on behalf of the food stamp recipient and may not be eligible for food stamp benefits themselves.



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BULLETIN**

<b>To:</b>	Nutrition Program Sponsors	<b>Number:</b>	05-102 05-202 05-700
<b>Attention:</b>	Food Program Director	<b>Date:</b>	February 2005
<b>Subject:</b>	<b>EXTENSION OF POLICY EXCEPTION</b> – Family Size and Income Determinations for Certain Military Families		
<b>Reference:</b>	United States Department of Agriculture (USDA) Policy Memo SP 05-13, CACFP 05-05, SFSP 05-04; and Management Bulletins 02-105, 203, 708 and 03-111, 206, 704.		

This Management Bulletin clarifies USDA's policy about income eligibility for those households that include deployed military personnel engaged in long-term military campaigns overseas.

The current policy exception established that deployed household members would be included and counted as household members for the determination of free or reduced price meal eligibility. It also established that only that portion of the deployed service members' income made available by them or on their behalf to the household will be counted as income to the household. Additionally, in the Child and Adult Care Food Program, should the child live with the provider while the service member is deployed, the child would not be considered a "provider's own" child.

This exception will remain in effect until legislation or additional policy guidance supersedes it. Please share the attached information with administrative staff responsible for processing eligibility information.

If you have any questions, please contact your Nutrition Services Division representative in the Field Services Unit at (916) 445-0850 or (800) 952-5609. You may also contact Shirley Rhodes at (916) 323-8521 or [srhodes@cde.ca.gov](mailto:srhodes@cde.ca.gov).





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<b>To:</b>	Nutrition Program Sponsors	<b>Number:</b>	05-111 05-212
<b>Attention:</b>	Food Program Director	<b>Date:</b>	July 2005
<b>Subject:</b>	Clarification of Food Stamp Household		
<b>Reference:</b>	Title 7, Code of Federal Regulations, Part 245—Determining Eligibility For Free And Reduced Price Meals And Free Milk In Schools; U.S. Department of Agriculture’s Eligibility Guidance Manual for Schools; and U.S. Department of Agriculture’s Eligibility Guidance Manual for Child Care.		

This Management Bulletin is being issued to clarify that **all** children who are members of a household currently certified to receive Food Stamps are categorically eligible for free meal benefits.

Title 7, *Code of Federal Regulations (CFR)*, Part 245.2 provides the following definitions:

(b) *Family* means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

(c) *Food Stamp Household* means any individual or group of individuals which is currently certified to receive assistance as a household under the Food Stamp Program.

(d–2) *Household* means “family” as defined in Section 245.2(b).

7 *CFR* Part 226.2 provides the following definitions:

*Family* means, in the case of children, a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit or, in the case of adult participants, the adult participant, and if residing with the adult participant, the spouse and dependent(s) of the adult participant.

*Household* means “family,” as defined in Section 226.2 (“Family”).

In their eligibility manuals for school and child care meal programs, the United States Department of Agriculture (USDA) further defines a household “as a group of related or unrelated individuals who are not residents of an institution or boarding house but who are living as one economic unit. This means they generally reside in the same house and share expenses such as rent, utilities and food.”

The above definitions of household do not apply to either a foster child or institutionalized child as defined in the USDA’s guidance manuals:

***Foster Child*** - A foster child is a child who is living with a household but who remains the legal responsibility of the welfare agency or court. Such a child is considered a household of one.

***Institutionalized Child*** - An institutionalized child is a child who resides in a residential type facility that the state has determined is not a boarding school. Such a child is considered a household of one.

If you have any questions, please contact your Nutrition Services Division representative in the Field Services Unit at (916) 445-0850 or (800) 952-5609.



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<b>To:</b>	Child and Adult Care Food Program Child Care Centers and Day Care Home Sponsors	<b>Number:</b> 06-221
<b>Attention:</b>	Food Program Director	<b>Date:</b> September 2006
<b>Subject:</b>	Child and Adult Care Food Program: Second Interim Rule: Enrollment Records and Block Claiming	
<b>Reference:</b>	United States Department of Agriculture, Food and Nutrition Service, CACFP Policy Memo 05-08, March 23, 2005; CACFP Policy Memo 05-10, July 7, 2005; and CACFP Policy Memo 12-2006, May 23, 2006; and Nutrition Services Division Management Bulletins 05-205 and 05-211.	

This Management Bulletin revises the previously issued guidance on the Child and Adult Care Food Program (CACFP) Second Interim Rule contained in Management Bulletins (MB) 05-205 and 05-211.

To participate in the CACFP, a child must be enrolled for care in a child care center or family day care home. MB 05-205 informed **independent child care centers, child care center sponsors, and family day care home sponsors** that the Second Interim Rule required that they annually update each child's enrollment document, have it signed by a parent or guardian, and ensure that it contains information regarding a child's normal days and hours of child care and the expected meals to be served to the child.

Subsequently, the United States Department of Agriculture (USDA) broadened how *centers* may comply with the new requirement for days and hours of child care and expected meals. As a result, centers may either include this information on their enrollment documents, as stated in MB 05-205, or use sign-in and sign-out sheets in lieu of collecting this information. In California, Community Care Licensing requires centers to maintain sign-in and sign-out sheets, whereby parents or guardians sign children in and out of child care. Since the sign-in and sign-out sheets are required by an appropriate state agency, the USDA regards their use as an acceptable alternative to the collection of information regarding child care hours and meals.

Centers **still** must annually update each child's enrollment document and ensure the document is signed by a parent or guardian.

Day care homes, on the other hand, do not have the alternative of sign-in and sign-out sheets, as homes are not required to maintain them. Consequently, homes may only include the information regarding days and hours of child care and expected meals on their enrollment forms. Like centers, they also must annually update each child's enrollment document and ensure the document is signed by a parent or guardian.

MB 05-211 informed **sponsoring organizations** of child care centers, adult day care centers, family day care homes, or any combination thereof, of the Second Interim Rule's new edit check requirements for the monthly meal reimbursement claims. **Note:** Facility is the general term in the CACFP regulations for sponsored centers and homes and will be used to refer to both centers and homes.

Before filing a reimbursement claim, a sponsor must conduct an edit check of each sponsored facility's meal claim. The edit check must:

- Verify the facility is approved to serve the meals that are claimed;
- Determine the accuracy of the facility's claim by comparing the number of enrolled participants multiplied by the number of operating days to the meals claimed; and
- Detect block claiming by the facility. A block claim is defined as a claim in which the number of meals claimed at a facility for one or more meal types is the same for 15 consecutive operational days during a claiming period.

The Nutrition Services Division (NSD) preapproves a facility to serve and claim all meal types. As a result, a sponsor does not have to verify that a facility is approved to serve the meals that are claimed. However, a sponsor must ensure that each of its facilities meets the meal claiming limitation of two meals and one snack or two snacks and one meal per child per day.

If a sponsor detects block claiming, the sponsor must conduct an unannounced review of the facility's operation within 60 days (90 days with the permission of the NSD) to determine if the block claiming is legitimate or the result of claiming errors. The NSD advises sponsors to begin the 60-day review timeframe upon receipt of the block claim. For example, if a sponsor receives a block claim from a facility on November 15, the sponsor would have 60 days from that date to complete its unannounced review.

The USDA makes an exception to this required follow-up. If, during an unannounced review, a sponsor discovers a block claim **prior** to its submission and is able to document a valid reason for it, then the sponsor will be **exempt** from conducting a follow-up review of the facility when that claim is received by the sponsor.

Sponsors must carefully document the reasons why block claims are legitimate and avoid a checklist approach to validating such claims. For example, a sponsor should not merely check or note that a facility accepts sick children as the reason for a block claim. Rather, the sponsor should also state that the facility has a written policy for accepting sick children and that sick children have been routinely observed during monitoring.



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<b>To:</b>	All Child Nutrition Programs	<b>Number:</b>	<b>06-118 06-222 06-703</b>
<b>Attention:</b>	Food Program Director	<b>Date:</b>	<b>October 2006</b>
<b>Subject:</b>	United States Armed Forces Family Supplemental Subsistence Allowance – Permanently Excluded from Income Consideration for the Child Nutrition Programs		
<b>Reference:</b>	United States Department of Agriculture Policy Memo SP-30-2006, CACFP-14-2006, SFSP-07-2006; California Department of Education, Nutrition Services Reauthorization Information Sheet #4		

Congress and the United States Department of Agriculture have permanently excluded the United States Armed Forces Family Supplemental Subsistence Allowance (Housing Allowance for Military Households in Privatized Housing) from consideration as income for free and reduced - price meal benefits in all child nutrition programs.

Please share this information with your agency's eligibility determination officials and staff.

If you have any questions regarding this subject, please contact your Nutrition Services Division Child Nutrition Consultant in the Field Services Unit or a School Nutrition or Child and Adult Care Program Specialist at (916) 445-0850 or (800) 952-5609.



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<input checked="" type="checkbox"/> <b>POLICY</b>	<input type="checkbox"/> <b>ACTION REQUIRED</b>	<input checked="" type="checkbox"/> <b>BENEFICIAL INFORMATION</b>
<b>To:</b>	School Nutrition Program Sponsors Child Care Agencies participating in the Child and Adult Care Food Program Summer Food Service Program Sponsors	<b>Number:</b> USDA-CNP-03-2009
<b>Attention:</b>	Food Service Director Business Official Food Program Director	<b>Date:</b> October 2009
<b>Subject:</b>	Extending Categorical Eligibility to Additional Children in a Household	
<b>Reference:</b>	United States Department of Agriculture, Food and Nutrition Service, Policy Memo SP 38-2009; Title 7, <i>Code of Federal Regulations</i> , Section 245.2(b)	

This Management Bulletin (MB) provides information regarding a policy change for determining categorical (automatic) eligibility of children who are members of a household currently receiving assistance (benefits) under the following programs: the Food Stamp Program, Food Distribution Program on Indian Reservations (FDPIR), Temporary Assistance to Needy Families (TANF) (known as the California Work Opportunities and Responsibility to Kids [CalWORKs] Program in this state) and the Kinship Guardianship Assistance Payment (Kin-GAP) Program.

This policy change represents the United States Department of Agriculture's (USDA) attempt to increase access to child nutrition programs and streamline the meal/milk eligibility process. Therefore, beginning in school year 2009–10, if one member of the household is certified as eligible for food stamps, FDPIR, CalWORKs or Kin-GAP via direct certification and/or meal applications with case numbers for these programs, **all** children in the household are categorically eligible for free meals. This means that all children in a household who are on a meal eligibility application are eligible for free meals if at least one of the children on the application has a CalWORKs, Kin-GAP, or food stamp case number. As a reminder, Title 7, *Code of Federal Regulations*, Section 245.2(b) defines the household as "...a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit."

If a local educational agency (LEA) does not have a meal application as a reference, it may use school district enrollment records to also determine children who are part of the household of a certified child, but who were perhaps not originally identified through direct certification to receive free meals or milk. For example, if two out of three children in a household are included on a direct certification list, but the third child is not, LEAs can use school district enrollment records to certify that additional child for free meals/milk.

Any income information is disregarded on a meal application submitted by a categorically eligible household. Further, for the purpose of carry-over into the new (2009–10) school year, LEAs must extend categorical eligibility to any newly enrolled siblings in the same household.

This policy supersedes the policy provided in the January 2008 edition of the USDA *Eligibility Manual for School Meals* and extends to the Child and Adult Care Food Program and the Summer Food Service Program when collecting household applications. Please note that this policy does **not** extend to other categorically eligible programs such as the Head Start or the Migrant Education Programs.

### Frequently Asked Questions

Q1. How does this policy affect direct certification?

A1. The direct certification designation extends to **all** children in the household if at least one child in the household is on the direct certification list. Therefore, all children in the household are eligible for free meals/milk.

Q2. How do I determine additional children who are part of the family if they are not listed on the direct certification list and I do not have a meal application for the family?

A2. LEAs may use district enrollment records to determine additional children who are part of the family to qualify them for free meal/milk benefits.

Q3. If an application has a valid food stamp, CalWORKs or Kin-GAP case number for only one child on the application, are the other children on the application eligible for free meal benefits even though they do not have a case number?

A3. Yes, if at least one child in the household has a valid case number then the LEA must extend eligibility for free meals or milk to all children in the household.

Q4. Do I still need to look at the income on an application if at least one child has a valid case number on the application?

A4. No, disregard any income information provided on an application with a valid case number.

Q5. Does the 30 day carryover rule for eligibility status from the previous year extend to newly enrolled children from the same household?

A5. Yes, LEAs must carryover the eligibility status from the previous year into the beginning of the new school year. This includes extending free meal/milk benefits to newly enrolled children from households receiving food stamps, FDPIR, TANF, CalWORKs, or Kin-GAP.

Q6. When is this policy effective?

A6. This policy is effective immediately and with the beginning of the 2009-10 school year. LEAs should ensure that all students considered categorically eligible based on this new policy are given free meal/milk benefits.

Q7. How do I notify households of a change in eligibility based on this policy?

A7. Any household with meal status changes based on this new policy should be sent either the "Direct Certification Eligibility Notification" letter (if the changes made are due to direct certification eligibility) or the "Approval/Denial Notification" letter (if the change is based on a Free and Reduced Price Meal Application). These letters can be found under the section titled "Eligibility Materials for Free and Reduced-Price Meals" at the following Web page:  
<http://www.cde.ca.gov/ls/nu/sn/eligmaterials.asp>



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**Nutrition Services Division  
MANAGEMENT BULLETIN**

<input checked="" type="checkbox"/> <b>POLICY</b>	<input checked="" type="checkbox"/> <b>ACTION REQUIRED</b>	<input type="checkbox"/> <b>BENEFICIAL INFORMATION</b>
<b>To:</b>	Child and Adult Care Food Program Independent Child Care Centers and Sponsors of Child Care Centers	<b>Number:</b> USDA-CACFP-05-2009
<b>Attention:</b>	Food Program Director	<b>Date:</b> July 2009
<b>Subject:</b>	Enrollment Documentation for Child Care Centers	
<b>Reference:</b>	Child and Adult Care Food Program Second Interim Rule: Title 7, <i>Code of Federal Regulations</i> , Part 226, section 15(e)(2); United States Department of Agriculture CACFP Policy Memo 02-2005: Nutrition Services Division Management Bulletin 05-205	

This Management Bulletin clarifies the Child and Adult Care Food Program (CACFP) enrollment documentation requirements for children enrolled in a child care center (CCC). **The requirements do not apply to outside-school-hours centers, after-school at-risk centers, and emergency shelters.** This requirement was originally distributed through *Management Bulletin 05-205* in March 2005.

The existing federal regulations require a CCC to ensure that a child's enrollment document contains the following information:

- The normal days and hours that a child is in care at the center
- The meals that the child ordinarily would receive during normal hours at the center
- The parent or guardian's signature, dated prior to any meals being claimed

Every CCC must ensure that this information is on file for each child before any meals are claimed. The enrollment document must be updated annually. Centers can choose to have all the parents or guardians update the enrollment forms for the children during the same month of the year, or they can stagger the updates, as long as no more than 12 months elapse between the updates of any child's enrollment form. To accomplish the annual update, the parent or guardian and the center representative must initial and date the original enrollment application. A new enrollment form is not needed to fulfill the update requirement.



If a center maintains accurate, daily sign-in/sign-out sheets that identify the time a child arrives at the center and the time the child leaves the center (as certified by the parent or authorized representative of the parent), enrollment documents do not have to state the normal days and hours that a child is in care.

When a CCC reports program enrollment and participants' meal category eligibility in Line 7 of the *CACFP Claim for Reimbursement*, the CCC must include in the figures reported each child enrolled for care regardless of whether the child consumed a meal during the claim month. The enrollment figure that a CCC must report is the actual number of children who are enrolled for care in the center, including a child whose parent or guardian has declined to allow the child to participate in the CACFP.



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<input checked="" type="checkbox"/> <b>POLICY</b>		<input type="checkbox"/> <b>ACTION REQUIRED</b>	<input checked="" type="checkbox"/> <b>BENEFICIAL INFORMATION</b>
<b>To:</b>	All Child Nutrition Sponsors		<b>Number:</b> NSD-CNP-01-2010
<b>Attention:</b>	Food Program Managers, Executive Directors, Food Service Directors, Business Officials, Administrators		<b>Date:</b> April 2010
<b>Subject:</b>	Reimbursement Claim One-Time Exception Submission Deadline		
<b>Reference:</b>	NSD Policy Memorandum No. 84-222, July 1984, "Claim Submission Deadline Policies"; NSD Management Advisory No. 92-123, October 1992, "Reimbursement Claim One-Time Exception Policy Change"; and USDA All Points Bulletin: SPS 92-40, April 1992		

This Management Bulletin (MB) announces the submission deadline requirements for a reimbursement claim one-time exception.

In accordance with Title 7, *Code of Federal Regulations* sections 210.8(b)(1), 225.9(d)(6), and 226.10(e) ". . . A final Claim for Reimbursement shall be postmarked or submitted to the State agency not later than 60 days following the last day of the full month covered by the claim. Claims not postmarked and/or submitted within 60 days shall not be paid with Program funds unless otherwise authorized by FNS [United States Department of Agriculture (USDA), Food and Nutrition Service]."

In accordance with USDA All Points Bulletin: SPS 92-40, issued on April 22, 1992, the California Department of Education (CDE) has the discretion to grant sponsors of School Nutrition, Child and Adult Care Food, and the Summer Food Service Programs approval to submit a request for a one-time exception once every 36 months. The CDE currently permits sponsors to use the one-time exception every 36 months.

The CDE is modifying this policy to limit the use of the one-time exception to the federal fiscal year in which the claim was late and requires the exception request be submitted to the CDE by December 15 following the applicable federal fiscal year (October 1 through September 30). For example, ABC Agency does not submit its January 2010 claim for reimbursement by the March 20, 2010, claim submission deadline. It has not submitted a one-time request in the past 36 months. If ABC Agency decides to use its one-time exception, it must submit the request to the Nutrition Services Division by December 15, 2010.

Please note that this policy is not applicable when the sponsor has a Certified Public Accountant audit supporting a late adjusted claim.



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<input checked="" type="checkbox"/> <b>POLICY</b> <input type="checkbox"/> <b>ACTION REQUIRED</b> <input checked="" type="checkbox"/> <b>BENEFICIAL INFORMATION</b>		
<b>To:</b>	School Nutrition Program Sponsors Child Care Agencies participating in the Child and Adult Care Food Program Summer Food Service Program Sponsors	<b>Number:</b> USDA-CNP-02-2010
<b>Attention:</b>	Food Service Director Business Official Food Program Director	<b>Date:</b> March 2010
<b>Subject:</b>	Exclusion of Military Combat Pay from Income Eligibility in the Child Nutrition Programs	
<b>Reference:</b>	United States Department of Agriculture, Food and Nutrition Service, Policy Memo SP 06-2010; CACFP 03-2010; SFSP 04-2010; Public Law 111-80, October 21, 2009	
<b>Supersedes:</b>	Management Bulletin: USDA-CNP-04-2009 "Exclusion of Military Combat Pay from Income Eligibility in the Child Nutrition Programs"	

This Management Bulletin (MB) supersedes MB USDA-CNP-04-2009 (December 2009) Exclusion of Military Combat Pay from Income Eligibility in the Child Nutrition Programs. This MB provides information on a United States Department of Agriculture's (USDA) policy change that excludes military combat pay from income eligibility determinations for the following:

- Free and reduced-price meals in the National School Lunch and School Breakfast Programs
- Free and reduced-price meals for centers in the Child and Adult Care Food Program (CACFP)
- Tier status determinations for family day care homes in the CACFP
- Meals in the Summer Food Service Program
- Free milk in the Special Milk Program

The exclusion of combat pay is authorized by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law. 111-80; October 21, 2009) and may be accessed at the following United States Government Printing Office Web page:

<http://www.gpo.gov/fdsys/pkg/PLAW-111publ80/pdf/PLAW-111publ80.pdf> (Outside Source)

As set forth in the statute, combat pay is defined as an additional payment beyond the service members' regular pay made under Chapter 5, Title 37 of the United States Code or as otherwise designated by the Secretary to be excluded, that is received by the household member who is deployed to a designated combat zone. Combat pay is therefore excluded if it is received:

- In addition to the service member's basic pay
- As a result of the service member's deployment to or service in an area that has been designated as a combat zone
- After the service member is deployed to or service in the designated combat zone

A combat zone is any area that the President of the United States designates by Executive Order as an area in which the United States Armed Forces are engaging or have engaged in combat. As with other types of income commonly received by military personnel (such as the Basic Allowance for Housing or Basic Allowance for Subsistence payments), combat pay received by service members is normally reflected in the entitlements column of the military Leave and Earning Statement (LES). Information regarding deployment to or service in a combat zone may also be available through military orders or public records on deployment of military units.

Only the portion of the deployed service member's income made available by them or on their behalf will continue to count as household income. Deployed service members are considered members of the household for purposes of determining income eligibility for the Child Nutrition Programs.

This MB clarifies the new USDA policy exception change from Family Size and Income Determinations in the Child Nutrition Programs for Certain Military Families, dated March 12, 2003, located at the following USDA Web page:

<http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2003/2003-03-12.htm> (Outside Source)

Local educational agencies should implement this **income exclusion** and notify school food authorities of this change immediately. This income exclusion will be added in the next update to the Eligibility Manual for School Meals.



<input checked="" type="checkbox"/> <b>POLICY</b>	<input type="checkbox"/> <b>ACTION REQUIRED</b>	<input checked="" type="checkbox"/> <b>BENEFICIAL INFORMATION</b>
<b>To:</b>	Child Nutrition Program Sponsors	<b>Number:</b> USDA-CNP-05-2010
<b>Attention:</b>	Food Service/Program Directors Business Officials District and County Superintendents Charter School Administrators	<b>Date:</b> September 2010
<b>Subject:</b>	Extending Categorical Eligibility to Additional Children in a Household Questions and Answers	
<b>Reference:</b>	United States Department of Agriculture, Food and Nutrition Service, Policy Memo SP 25 -2010; CACFP 11 -2010; SFSP 10 -2010; Title 7, <i>Code of Federal Regulations</i> , Section 245.2(b); and Management Bulletin USDA-CNP-03-2009 (October 2009)	

This Management Bulletin (MB) provides further clarification to the October 2009 guidance the California Department of Education (CDE) Nutrition Services Division (NSD) distributed for determining categorical (automatic) eligibility of children who are members of a household currently receiving assistance (benefits) under the following programs:

- Supplemental Nutrition Assistance Program (SNAP) (known as Food Stamps Program in California)
- Food Distribution Program on Indian Reservations (FDPIR)
- Temporary Assistance to Needy Families (TANF) (known as the California Work Opportunities and Responsibility to Kids Program [CalWORKs] in California)
- Kinship Guardianship Assistance Payment (Kin-GAP) Program

All Child Nutrition Programs are subject to this policy. The following definitions are used in this MB:

“Household” and “family” are used interchangeably, and are defined in Title 7, *Code of Federal Regulations* (7 CFR), Section 245.2 and as they relate to economic units as discussed in Part 4, Section B, of the United States Department of Agriculture’s (USDA’s) *Eligibility Manual for School Meals*, which is located on USDA’s Web site.

“Extended or extension of eligibility” means that all children or adults in a household who are participating in one or more of the Child Nutrition Programs are categorically eligible for free meals if any child or adult receiving Food Stamps, FDPIR, or CalWORKs benefits is a member of that household. Any child or adult receiving Food Stamps, FDPIR, or CalWORKs benefits is always categorically eligible for free meals and their eligibility extends to all household members attending school or participating in the Child and Adult Care Food Program (CACFP) or the Summer Food Service Program (SFSP).

## **DETERMINING ELIGIBILITY**

### **Q1. How does a local educational authority (LEA) apply this policy to applications submitted by households?**

If an LEA receives an application listing at least one **Food Stamps, FDPIR, or CalWORKs** case number for any member of the household, the LEA must certify all children listed on the application as categorically eligible for free meals.

### **Q2. How should LEAs apply this policy to their direct certification procedures?**

At a minimum, the notice provided to families indicating that a child has been directly certified for free meals must explain how the household can report any additional children in the household who are not listed on the notice. LEAs are encouraged to establish other methods to identify additional children in a household with one or more children who are directly certified. See the section of this document entitled “DETERMINING AND DOCUMENTING ADDITIONAL HOUSEHOLD MEMBERS” for ways to identify additional children.

### **Q3. During a school year, an LEA may learn (for example, from the household) that, although one child in the family was directly certified, additional children in the family are not receiving free meal benefits. When would free meal benefits begin for the additional children who were not identified through the direct certification process?**

Benefits would begin on the date these children are certified as eligible. The children are not eligible for retroactive benefits, and the LEA cannot claim free meals for these children retroactively. This also applies to children who become eligible for Food Stamps, FDPIR, or CalWORKs benefits or who submit an application with a case number during the school year.

## **APPLICABILITY**

### **Q4. If a child is categorically eligible for free meals based on enrollment in Head Start, or certification as a homeless, runaway, or migrant child, is eligibility extended to other children in the household?**

No. This policy applies only to children receiving Food Stamps, FDPIR, or CalWORKs benefits.

### **Q5. Does extension of eligibility apply to direct certification and applications with Food Stamps, FDPIR, or CalWORKs benefits case numbers?**

Yes.

### **Q6. In some households, the only person receiving Food Stamps, FDPIR, or CalWORKs benefits may be an adult. Does the adult’s eligibility extend to the children in the household?**

Yes. Although they are not required to determine if there are adult household members receiving Food Stamps, FDPIR, or CalWORKs benefits, LEAs are encouraged to revise school meal applications to indicate that providing a single case number for any member of the household will establish eligibility for all children in the family.

### **Q7. If a household member receives Food Stamps, FDPIR, or CalWORKs benefits but does not participate in any child nutrition program or attend school, does that person’s eligibility extend to a child in the household who attends school?**

Yes, if the child attending school is a member of the same household as the person receiving Food Stamps, FDPIR, or CalWORKs benefits, the child attending school is categorically eligible for free meals. Although the LEA is not required to determine if there are such children in a household, the LEA must extend eligibility if it becomes aware of other household members receiving Food Stamps, FDPIR,

or CalWORKs benefits. (See also Q and A 14.) Also, as noted above, LEAs are encouraged to revise school meal applications to indicate that providing a single case number for any member of the household will establish eligibility for all children in the family.

**Q8. How does this policy relate to the concept of economic unit?**

This policy was not intended to change the definitions of “Family” or “Household” in 7 *CFR* 245.2. Family and Household are defined as a group of related or unrelated individuals living together as an economic unit. Therefore, the child who is receiving Food Stamps, FDPIR, or CalWORKs benefits may only “extend” status to other children in the same economic unit.

**DETERMINING AND DOCUMENTING ADDITIONAL HOUSEHOLD MEMBERS**

**Q9. The initial policy memo states that if the LEA does not have an application as a reference, it may use school district enrollment information to determine additional children who are part of the household. How would the LEA locate additional children?**

To the extent practicable, LEAs should use household composition information that may be available from the school district. Once children have been identified through the direct certification process, schools can search the records of the directly certified children to identify additional children in the household. LEAs also may receive from the State Food Stamp agency lists of children who are household members of those directly certified. The LEA can then use school district enrollment information to determine whether any of these children attend school within the LEA. Additional household members also may be identified by an adult member of the household.

**Q10. What identifiers should the LEA use to establish additional household members? What documentation is required?**

It is up to the LEA to determine identifiers for locating additional household members, but parents’ names, home addresses, and other specific household indicators, if available, may be the most useful. Acceptable documentation includes school meal applications indicating at least one case number, school district enrollment records identifying all children in the household, custody agreements, information that may be provided by the Food Stamps, FDPIR, or CalWORKs agencies, or information from school officials such as principals or teachers. LEAs also may request that an adult member attest to the household composition as discussed in Q and A 17.

**Q11. If children in a household are enrolled in both public and private schools, how is information shared to extend eligibility? Are the public schools and private schools required to identify additional children in the household?**

LEAs are not required to identify additional children in the household who are outside of their own school district. However, public and private LEAs are encouraged to share information to the extent practicable.

**Q12. When an LEA extends eligibility within the first 30 operating days of the new school year to a sibling who is new to the LEA (i.e., enrolled in kindergarten), what documentation is required?**

The LEA should annotate the application or direct certification record to add the sibling and indicate how the determination to extend eligibility to the new student was made (e.g., address match, information from school officials, etc.).

**Q13. In an effort to identify all students in the household of a student who is directly certified, can LEAs use addresses to match children? If software can match addresses, is this sufficient identification or must parents’ names, or other identifiers also be used?**

An address match may be sufficient to identify additional eligible children if the LEA determines that only one household resides at that address. LEAs also may use parents' names, parents' Social Security numbers, or other identifiers to assist in identifying additional children.

**Q14. We may have an address match but other information indicates that more than one household lives at that address or that the address is a multi-unit complex. Does an address match justify extending eligibility when there may be multiple households living at the same address?**

If the LEA is aware that more than one household resides at an address, it should confirm through available records which students reside with children who receive Food Stamps, FDPIR, or CalWORKs benefits. The LEA may need to contact the households to determine their composition and establish eligibility.

#### **EXTENDING AND DOCUMENTING EXTENDED ELIGIBILITY**

**Q15. A child is determined eligible for free meals because he/she is a member of a household with someone directly certified or who has a Food Stamps, FDPIR, or CalWORKs case number listed on the application. If that child resides in another household during the certification period, does this policy apply to any children in the second household?**

No. While that child retains free meal status for the remainder of the certification period, if he/she moves to another household, eligibility is not extended to others. Free meal eligibility based on receipt of Food Stamps, FDPIR, or CalWORKs benefits can be extended only to other children who are in the same household as the child receiving Food Stamps, FDPIR, or CalWORKs benefits.

**Q16. A child's parents have shared physical custody during the certification period. How does this policy apply if only one parent's household receives Food Stamps, FDPIR, or CalWORKs benefits?**

If a child is determined eligible for free meals because he/she receives Food Stamps, FDPIR, or CalWORKs benefits in one parent's household, he/she retains eligibility for free meals regardless of where the child is living for the remainder of the certification period. When that child is residing in the second parent's household, the child is a member of that household and because he/she was determined eligible for free meals based on receipt of Food Stamps, FDPIR, or CalWORKs benefits, eligibility extends to other children in that household.

If a child is not determined eligible for free meals based on his/her own receipt of Food Stamps, FDPIR, or CalWORKs benefits, but on the extended eligibility from another family member in the first parent's household, eligibility is not extended to other members of the second parent's household.

**Q17. How should the LEA document extended status?**

Children in a household with a child or adult receiving Food Stamps, FDPIR, or CalWORKs benefits are considered eligible on the same basis (directly certified or case number) as the person(s) receiving benefits.

However, LEAs must have some record of the basis of eligibility in order to properly apply this policy in the event that a child moves to a new household and for review purposes. Further, when eligibility is extended to additional household members at the request of the household and there is no application currently on file, an adult household member must attest to the household size and membership if agency or school district records are not available. This would happen, for example, if only one child was identified through direct certification and the LEA was unable to identify any other school-age children. In these situations, the LEA could either:



- Have an adult member attest to the household composition by signing a statement listing all members of the household with the attesting statement for the application for free and reduced price meals and milk (see 7 *CFR* 245.6(a)(9) and Part 2, Section F of the USDA Eligibility for School Meals Manual).
- Use the application as a way to record this information and have an adult member sign the application.

When there are other records used to extend eligibility, such as an application or school districts records, the LEA must indicate on the application, roster, or other records which children are eligible based on extended eligibility.

If a child with extended eligibility moves from the household receiving Food Stamps, FDPIR, or CalWORKs benefits to a household not receiving these benefits, that child retains free meal eligibility for the remainder of the certification period. However, because eligibility cannot be extended by this child, the LEA must note, using one of the methods above, extended eligibility for that child when adding that child to the new household.

**Q18. If an LEA determines that additional children are eligible based on the direct certification match of one child, but the household did not file an application, how is the household notified?**

The LEA would include all children on the notification sent to the household regarding direct certification results.

## **CACFP SPECIFIC QUESTIONS**

**Q19. If one child in a household is receiving Food Stamps, FDPIR, or CalWORKs benefits, does that make all of the children in the household categorically eligible for free meals in the CACFP?**

Yes. Children receiving Food Stamps, FDPIR, or CalWORKs benefits are categorically eligible for free meals in the CACFP. If one child in the household is receiving any of these benefits, categorical eligibility extends to the other children in the household.

**Q20. If a non-area eligible family day care home provider is not receiving Food Stamps, FDPIR, or CalWORKs benefits but a child in her household is receiving these benefits, is the provider eligible to receive CACFP tier I reimbursement rates?**

Yes. If at least one child in a household is receiving Food Stamps, FDPIR, or CalWORKs benefits and, therefore, is categorically eligible for free meals in CACFP, this categorical eligibility extends to the entire household. Therefore, a family day care home provider in that family would be considered eligible for tier I reimbursement rates based on the child's receipt of benefits.

**Q21. Under the CACFP, if a child who is receiving Food Stamps, FDPIR, or CalWORKs benefits moves in with a family that was not previously eligible for free meals or tier I rates, would that child's receipt of Food Stamps, FDPIR, or CalWORKs benefits extend categorical eligibility to the rest of the family? What if the child has moved from another State?**

Regardless of how a child becomes part of a household, the policy applies. Eligibility determinations are made at a point in time. As discussed in Q and A's 15 and 16, if a child moving to another household, even in another State, is receiving Food Stamps, FDPIR, or CalWORKs benefits, at that point in time the child is eligible for free meals and eligibility is retained for the duration of the certification period. Further, other children in the household become eligible for free meals based on

that child's receipt of benefits and an adult member of the household providing family home day care services under CACFP would be eligible for tier I reimbursement rates.

**Q22. If an adult in the household participates in the Adult Day Care component of the CACFP and is categorically eligible based on receipt of Food Stamps, FDPIR, or CalWORKs benefits, does categorical eligibility extend to other children or adults in the household participating in a child nutrition program?**

Yes. The adult's eligibility extends to the other household members.

**Q23. What documentation must a child care institution have on file?**

As discussed in Q and A 17, documentation must be maintained indicating the basis for a child's eligibility for free meals. Generally, institutions should obtain an application which includes the Food Stamps, FDPIR, or CalWORKs case number of the recipient household member. Alternatively, if a child's eligibility is based on a school-age household member's receipt of benefits, the institution may maintain certification from the child's school that he or she is eligible for free or reduced price meals either through direct certification or application. See Q and A 17 for more detailed documentation alternatives.

## **VERIFICATION**

**Q24. Are applications for children who receive benefits as a result of this memo subject to verification?**

If benefits are extended based on an application with a Food Stamps, FDPIR, or CalWORKs benefits case number, the application is included in the sample and subject to verification. If an application is used only to record and confirm household composition where another child in the household has been directly certified, as discussed in Q and A 17, the application is not included in the sample or subject to verification because verification is not required for children identified through direct certification.

**Q25. For the purposes of the FNS-742, Verification Summary Report, how are children coded?**

Children who are eligible based on extended categorical eligibility are classified under the same category as the person who extended the eligibility. If the person who extended eligibility was directly certified, all children would be coded as directly certified. Likewise, if a child is listed on an application with a person's Food Stamp, FDPIR or CalWORKs case number, then all children would be coded based on the provision of a case number.



California Department of  
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MANAGEMENT BULLETIN**

<input checked="" type="checkbox"/> <b>POLICY</b>	<input type="checkbox"/> <b>ACTION REQUIRED</b>	<input checked="" type="checkbox"/> <b>BENEFICIAL INFORMATION</b>
<b>To:</b>	Child and Adult Care Food – Sponsoring Organizations	<b>Number:</b> USDA-CACFP-03-2011
<b>Attention:</b>	Food Program Director	<b>Date:</b> February 2011
<b>Subject:</b>	Elimination of Block Claim Edit Checks in the Child and Adult Care Food Program	
<b>Reference:</b>	United States Department of Agriculture Policy Memo CACFP 03-2011; Title 7, <i>Code of Federal Regulations</i> parts 226.2 and 226.10(c)	
<b>Supersedes:</b>	Nutrition Services Division Management Bulletins USDA-CACFP-02-2007 and 05-211	

This Management Bulletin (MB) is in response to the United States Department of Agriculture Policy Memo CACFP 03-2011, and provides guidance on the modification of requirements for edit checks and follow-up reviews related to detection of block claims in the Child and Adult Care Food Program (CACFP).

The Healthy, Hunger-Free Kids Act of 2010 (Act) was signed into law by President Obama on December 13, 2010. Section 331 of the Act amends Section 17(d)(2) of the Richard B. Russell National School Lunch Act (42 United States Code 1766) to prohibit the Secretary of Agriculture from requiring edit checks to detect block claims or unannounced follow-up reviews related to block claims.

## Background

A block claim is defined in Title 7, *Code of Federal Regulations* (7 *CFR*) Section 226.2 as “a claim for reimbursement submitted by a facility on which the number of meals claimed for one or more meal type...is identical for 15 consecutive days within a claiming period.” Pursuant to 7 *CFR* 226.10(c)(3), sponsoring organizations were required to detect block claims by a facility and to ensure that the facility received an unannounced review within 60 days of detection of the block claim.

## Modifications

Effective immediately, sponsoring organizations are no longer required to conduct edit checks designed to detect block claims as required by 7 *CFR* 226.10(c)(3), nor are they required to meet the follow-up review requirements associated with detection of block claims as described in 7 *CFR* 226.10(c)(3).

Although they are no longer required, sponsoring organizations may, at their discretion, retain block claim edit checks. In addition, it is important to note that federal requirements for two other sponsor-level edit checks are still in effect. These include the requirement to verify the provider is claiming only the approved meal types in accordance with 7 *CFR* 226.10(c)(1) and the comparison of enrollment, days of service, and total meal claims in accordance with 7 *CFR* 226.10(c)(2).

If you have any questions regarding this MB, please contact the CACFP specialist assigned to your agency in the Child Nutrition Information Payment System (CNIPS). You will find a list of contact information for specialists in the Download Forms section of the CNIPS. You may also contact the Help Desk by phone at 800-952-5609, option 6.



<input checked="" type="checkbox"/> POLICY	<input checked="" type="checkbox"/> ACTION REQUIRED	<input checked="" type="checkbox"/> BENEFICIAL INFORMATION
<b>To:</b>	Child and Adult Care Food Program Sponsors Summer Food Service Program Sponsors	<b>Number:</b> USDA-CACFP-09-2012 USDA-SFSP-04-2012
<b>Attention:</b>	Authorized Representatives and Food Program Director	<b>Date:</b> April 2012
<b>Subject:</b>	Guidance on Income Eligibility Determinations and Duration	
<b>Reference:</b>	U.S. Department of Agriculture (USDA) Policy Memos CACFP 06-2012 and SFSP 08-2012	
<b>Supersedes:</b>	USDA Policy Memos CACFP 04-2010 and SFSP 04-2010, Duration of Income Eligibility and Fixed Percentage Claiming, March 2010; USDA Policy Memo CACFP 06-214, Duration of Households' Free and Reduced-Price Meal Eligibility Determination, June 2006; and the Child and Adult Care Food Program Eligibility Guidance for Centers	

This Management Bulletin (MB) provides guidance and clarification regarding individual income eligibility determinations and durations in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP).

### Eligibility Duration

In accordance with Title 7, *Code of Federal Regulations (7 CFR)*, Section 226.23(f), CACFP institutions must collect and report to state agencies free, reduced-price, and paid meal eligibility information. Such information must be updated annually and may not be more than 12 months old. Income eligibility forms should be considered current and valid until the last day of the month in which the form was dated one year earlier. The date to be used to make this determination is the date on which the sponsor or independent center official signs the application to certify eligibility of the participant. For example, a form signed and dated by a sponsor on January 12, 2012, is considered valid until January 31, 2013.

This eligibility duration determination method applies to day care centers and day care homes, and should be used to assess the expiration of an income eligibility form in all situations, regardless of the reimbursement calculation method used. These provisions also apply to the determination of eligibility for free meals under the SFSP when individual children's eligibility must be established in accordance with 7 *CFR* Section 225.15(f).

### Change in Income

The Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (Public Law 108-265) modified requirements related to reporting changes in income during the period of eligibility covered by the application. Households are not required to report changes in circumstances, such as an increase in income, a decrease in household size, or when the household is no longer certified eligible for benefits through the CalFresh or California Work Opportunity and Responsibility to Kids (CalWORKs). Therefore, once a household is approved for free, reduced-price, or Tier I benefits, the household remains eligible for those benefits for a period not to exceed 12 months, regardless of any change in household income.

## **Elimination of Temporary Approval**

The final rule, “Applying for Free and Reduced-price Meals in the National School Lunch Program (NSLP) and School Breakfast Program and for Benefits in the Special Milk Program,” eliminated the practice of temporary approvals for free or reduced-price meal benefits (76, *Federal Regulations*, page 66849, October 28, 2011). The Child Nutrition and WIC Reauthorization Act of 2004 extended the eligibility period in the NSLP to 12 months, eliminating the use of temporary approvals. Because income guidelines for determining eligibility in the CACFP and the SFSP must align with those of the NSLP, this provision also applies to the CACFP and the SFSP.

Previously, temporary approval was encouraged when the need for assistance seemed short-term, such as when a household experienced a temporary reduction in income or when no income was reported. Year-long eligibility did not apply when a household was given temporary approval. At the end of the temporary approval period, determining officials re-evaluated the household’s situation. Now households that were in temporary approval status on November 28, 2011, or have been temporarily approved since that date, must be approved for an entire year with the original date of the temporary approval as the start of the year of eligibility. If a household’s temporary approval expired prior to November 28, 2011, the household must submit new income eligibility forms. Year-long eligibility includes households that report no income on their income eligibility forms.

## **Establishing Claiming Percentage**

In accordance with 7 *CFR* Section 226.9(b)(2), state agencies must establish claiming percentages, no less frequently than annually, on the basis of enrolled participants eligible for free or reduced-price meals. Income eligibility forms are valid until the last day of the month that they were originally dated. During any month in which a claiming percentage is being established, any income eligibility forms expiring that month should be included in determining that claiming percentage. The claiming percentage may then still remain valid for up to 12 months. Claiming percentages are intended to capture the number of eligible children at a facility during one period of time. Including all currently valid income eligibility forms, regardless of when they expire within that month, is consistent with this intent.

## **Questions**

If you have any questions regarding this MB please contact your CACFP or SFSP Specialist.

The CACFP Specialist Contact List is located in the Child and Nutrition Information and Payment System (CNIPS) Download Forms section or on the California Department of Education CACFP Web page at <http://www.cde.ca.gov/ls/nu/cc/>. You may also contact Robin Kraus, CACFP Secretary, by phone at 916-327-2991, or by e-mail at [rkraus@cde.ca.gov](mailto:rkraus@cde.ca.gov).

The SFSP Specialist Contact List is located in the CNIPS Download Forms section. You may also contact Melissa Garza, SFSP Specialist, by phone at 916-322-5885, or 800-952-5609 option 6, or by e-mail at [mgarza@cde.ca.gov](mailto:mgarza@cde.ca.gov).

# **Section 3**

## **Forms**

## MEAL BENEFIT FORM FOR CHILDREN YEAR

Name of Child Care Center: \_\_\_\_\_

Please read the instructions. If you need help completing this form call: \_\_\_\_\_

Complete, sign, and return the form to: \_\_\_\_\_

### 1. CHILD INFORMATION

(List names of all children enrolled for care)

Check if a foster child (the legal responsibility of a welfare agency or court).

If all children listed below are foster children, go to #4 to sign this form.

Last	First	M.I.	
1.			<input type="checkbox"/>
2.			<input type="checkbox"/>
3.			<input type="checkbox"/>
4.			<input type="checkbox"/>

**2. BENEFITS:** If you are getting CalFresh, CalWORKs, FDPIR, or Kin-Gap benefits for your child, list the case number, and DO NOT complete #3. Go to #4.

CalFresh Case Number:
CalWORKs Case Number:
FDPIR Case Number:
Kin-GAP:

**3. ALL OTHER HOUSEHOLD MEMBERS:** Complete this section if you DID NOT complete #2. List all household members. List all income. Go To #4.

NAMES  NAMES OF HOUSEHOLD MEMBERS (INCLUDE THE CHILDREN LISTED ABOVE)	CURRENT INCOME			
	EARNINGS FROM WORK BEFORE DEDUCTIONS	CALWORKS, CHILD SUPPORT, ALIMONY	PAYMENTS FROM PENSIONS, RETIREMENT, SOCIAL SECURITY	EARNINGS FROM ANY OTHER INCOME
<i>Example: Jane Smith</i>	<i>\$200 / weekly</i>	<i>\$150 / every 2 weeks</i>	<i>\$100 / twice a month</i>	<i>\$50 / monthly</i>
1.	\$	\$	\$	\$
2.	\$	\$	\$	\$
3.	\$	\$	\$	\$
4.	\$	\$	\$	\$
5.	\$	\$	\$	\$
6.	\$	\$	\$	\$
7.	\$	\$	\$	\$
8.	\$	\$	\$	\$



**4. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER (SSN) AND SIGNATURE:**

**PENALTIES FOR MISREPRESENTATION:** *I certify that all of the above information is true and correct and that the CalFresh, CalWORKs, FDPIR, Kin-GAP, or other eligible program case number is current, correct, or that all income is reported. I understand that this information is being given for the receipt of federal funds; that agency officials may verify the information on the Meal Benefit Form and that the deliberate misrepresentation of the information may subject me to prosecution under applicable state and federal laws.*

Printed Name:	
Last Four Digits of SSN:	<input type="checkbox"/> Check here if no SSN
Signature of Adult:	Date:

**Privacy Act Statement:** Unless you list the child's CalFresh, CalWORKs, FDPIR or Kin-GAP case number, Section 9 of the National School Lunch Act (NSLA) requires that you include the last four digits of the SSN for the household member signing the form, or indicate that the household member signing the form does not have a SSN. You do not have to list the last four digits of a SSN, but if they are not listed, or the "Check here if no SSN" is not marked, we cannot approve your child for free or reduced price meals. The last four digits of the SSN may be used to identify the household member in verifying the correctness of the information stated on the form. This may include program reviews, audits and investigations, and may include contacting employers to determine income, contacting a CalFresh, CalWORKs, FDPIR, or Kin-GAP office to determine current certification for CalFresh, CalWORKs, FDPIR, or Kin-GAP benefits, contacting the state employment security office to determine the amount of benefits received, and checking the documentation produced by the household member to prove the amount of income received. These efforts may result in a loss or reduction of benefits, administrative claims, or legal actions if incorrect information is reported. The last four digits of the SSN may also be disclosed to programs as authorized under the NSLA and the Child Nutrition Act, the Comptroller General of the United States, and law enforcement officials for the purpose of investigating violations of certain federal, state, and local education, and health and nutrition programs.

**5. RACIAL/ETHNIC IDENTITY:** You are not required to answer these questions. If you choose to do so, please mark one or more of the following **racial** identities:

- |  |                                |  |
|--|--------------------------------|--|
| <input type="checkbox"/> American Indian or Alaska Native          | <input type="checkbox"/> Asia  | <input type="checkbox"/> Black or African American |
| <input type="checkbox"/> Native Hawaiian or Other Pacific Islander | <input type="checkbox"/> White |  |

Please mark one of the following **ethnic** identities: ☐ Hispanic or Latino ☐ Not Hispanic or Latino

**In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.**

**To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339, or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.**

<b>CATEGORICAL ELIGIBILITY</b>	
CalFresh/CalWORKs/ FDPIR/ Kin-GAP household categorically eligible free: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Foster child automatically eligible free: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>INCOME ELIGIBILITY</b> Annual Income Conversion: Weekly x 52, Every 2 Weeks x 26, Twice a Month x 24, Monthly x 12	
Total annual income:	Household size:
Eligibility classification:	<input type="checkbox"/> Free <input type="checkbox"/> Reduced Price <input type="checkbox"/> Base
Determining official (print name):	
Signature:	Certification Date:

## HOW TO COMPLETE THE MEAL BENEFIT FORM

Using the instructions below, please complete, sign, and return the Meal Benefit Form to:

If you need help, call:

**1. CHILD INFORMATION:**

- a) Print your child's name.
- b) Check box to right of name if a foster child.
- c) Include the name of the child care center.

**2. BENEFITS:** Complete this section and sign the form in #4.

- a) List your current CalFresh, CalWORKs, FDPIR or Kin-GAP case number(s) for your child(ren).
- b) Sign the form in #4. An adult household member must sign. You do not have to list a SSN.

**3. ALL OTHER HOUSEHOLDS:** Complete this section and sign the form in #4.

Write the names of everyone in your household even if they do not have an income. Include yourself, your spouse, the child you are applying for, and all other household members. **If your household includes any foster children formally placed by a state child welfare agency or a court, you may choose to include the child(ren) in this list.**

- a) Write the amount of income each person received last month before taxes or anything else was taken out **and** where it came from, such as earnings, CalWORKs, pensions, and other income (see examples below for types of income to report). **If you have chosen to include any foster children in your care, only the personal use income is to be listed. Foster payments you receive from the placing agency for the care of the child do not need to be reported.** Each income amount should be entered in the appropriate column on the form. If any amount **last month** was more or less than usual, write that person's usual monthly income.
- b) If anyone is self-employed, write the amount of income that person earns from self-employment. Please call the number listed at the top of the form if you need help.
- c) Sign the form and include the last four digits of your SSN in #4. *If you do not have a SSN, check the box "Check here if no SSN."*

**4. LAST FOUR DIGITS OF SSN AND SIGNATURE:**

- a) The form must have a **signature** of an adult household member.
- b) The adult household member who signs the statement must include the last four digits of his/her **SSN**. *If he/she does not have a SSN, check the box "Check here if no SSN".* The last four digits of your SSN is not needed if you listed a CalFresh, CalWORKs, FDPIR, or Kin-GAP case number.

**5. RACIAL/ETHNIC IDENTITY:** You **are not required** to answer this question to get meal benefits, but completion of this information will help ensure that everyone is treated fairly.

INCOME TO REPORT		
<b>Earnings from Work:</b> Wages/salaries/tips Strike benefits Unemployment compensation Worker's compensation Net income from self-employment  <b>CalWORKs/Child Support/Alimony</b> Public assistance payments CalWORKs payments Alimony/child support payments	<b>Pensions/Retirement/Social Security</b> Pensions Supplemental security income Retirement income Veteran's payments Social Security	<b>Other Monthly Income</b> Disability benefits Cash withdrawn from savings Interest dividends Income from estates/trusts/investments Regular contributions from persons not living in the household Net royalties/annuities/net rental income Military allowance for off-base housing Any other income

## DESCRIPTION OF RACIAL AND ETHNIC CATEGORIES

The federal government has established the following five racial categories and one ethnic category:

### RACE:

**American Indian or Alaska Native** – A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

**Asian** – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, The Philippine Islands, Thailand, and Vietnam.

**Black or African American** – A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

**Native Hawaiian or Other Pacific Islander** – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White** – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

### ETHNICITY:

**Hispanic or Latino** – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin" can be used in addition to "Hispanic or Latino."

**Not Hispanic or Latino**

**CHILD AND ADULT CARE FOOD PROGRAM  
CHILD CARE CENTER  
MEAL BENEFIT FORM (NSD 3101) COMPLETION CHECKLIST**

**You may find the following checklist helpful in ensuring that all meal benefit forms are completed and certified correctly.**

**Sections 1 through 5 are completed by the parent or guardian**

- ☐ Section 1: Form has child(ren)'s name and has checked box for any foster chil(ren)
- ☐ Section 2: Form has a case number in one category. (No household size or income information is required. - Go to Section 4)
- ☐ Section 3: Form has list of all other household members (related or unrelated) and current monthly income. (Go to Section #4.)
- ☐ Section 4: Form is signed and dated by the parent or guardian.
  - ☐ If eligibility is based on household size and income, the form has the last four digits of a Social Security Number; **OR** the box is checked (✓) if the parent or guardian does not have a Social Security Number.
  - ☐ A Social Security Number is not required if eligibility is based on receipt of benefits.
- ☐ Section 5: Parent or guardian indicated the child's racial/ethnic identity. This information is voluntary.

**The "For Official Use Only" Section is completed by the agency's eligibility official**

- ☐ Check (✓) "YES" box if eligibility determination is based on receipt of benefits. Check (✓) "NO" box if eligibility determination is based on status as foster child(ren) or household size and income.
- ☐ Check (✓) "YES" box if eligibility determination is based on status as foster child(ren). Check (✓) "NO" box if eligibility determination is based on receipt of benefits or household size and income.
- ☐ For Income Eligibility: Calculate the total monthly household income and total number of household members. Write these totals in the spaces provided.
- ☐ Compare the household size and income to the current Income Eligibility Guidelines to determine the child(ren)'s eligibility category. Check (✓) appropriate box for: **Free, Reduced-Price, or Base.**
- ☐ Signed and dated by determining official. Signature date can be no later than the last day of the month in which eligibility is reported on the Claim for Reimbursement form.
- ☐ Have another staff person double check to ensure accuracy.
- ☐ Transfer information to Enrollment Roster for month in which eligibility is certified. Have another staff person double check to ensure information has been transferred accurately.

## MEAL BENEFIT FORM FOR ADULT PARTICIPANTS YEAR

Name of Adult Care Center: \_\_\_\_\_

Please read the instructions. If you need help completing this form, call: \_\_\_\_\_

Complete, sign, and return the form to: \_\_\_\_\_

**1. PARTICIPANT INFORMATION:** Enter the names of any adult participants from the same household that are enrolled for care. If participant receives **Medicaid/Medi-Cal** or **Supplemental Security Income** (SSI) benefits, provide the case number below. If all participants listed below have a case number, go to #4 to sign this form.

NAME OF ADULT PARTICIPANTS ENROLLED FOR CARE			MEDICAID/MEDI-CAL OR SSI BENEFIT CASE NUMBER
Last	First	M.I.	
1.			
2.			
3.			
4.			

**2. BENEFITS:** If anyone in the household receives CalFresh or Food Distribution Program on Indian Reservations (FDPIR) benefits, list the case number, and DO NOT complete #3. Go to #4.

CalFresh Case Number(s): \_\_\_\_\_

FDPIR Case Number(s): \_\_\_\_\_

**3. INCOME:** Complete this section if you did not complete #2. List only the following household members: center participant(s) listed above, spouse and dependent children of participant(s). List all income. Go to #4.

☐ **Check here if this household receives no income.** Go to #4.

NAMES OF HOUSEHOLD MEMBERS		CURRENT INCOME			
INCLUDE THE ADULT PARTICIPANTS LISTED ABOVE		EARNINGS FROM WORK BEFORE DEDUCTIONS	CALWORKS, CHILD SUPPORT, ALIMONY	PAYMENTS FROM PENSIONS, RETIREMENT, SOCIAL SECURITY	EARNINGS FROM ANY OTHER INCOME
Example: Jane Smith		\$200 / weekly	\$150 / every 2 weeks	\$100 / twice a month	\$50 / monthly
1.		\$	\$	\$	\$
2.		\$	\$	\$	\$
3.		\$	\$	\$	\$
4.		\$	\$	\$	\$
5.		\$	\$	\$	\$
6.		\$	\$	\$	\$
7.		\$	\$	\$	\$
8.		\$	\$	\$	\$
9.		\$	\$	\$	\$

**4. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER (SSN) AND SIGNATURE:**

**PENALTIES FOR MISREPRESENTATION:** I certify that all of the above information is true and correct and that the CalFresh, FDPIR, Medicaid/Medi-Cal, or SSI, or other eligible program case number is current, correct, or that all income is reported. I understand that this information is being given for the receipt of federal funds, that agency officials may verify the information on the Meal Benefit Form and that the deliberate misrepresentation of the information may subject me to prosecution under applicable state and federal laws.

Printed Name of Adult Household Member:

Last four digits of SSN of Adult Household Member: ☐ Check here if no SSN

Signature of Adult Household Member:

Date:

**Privacy Act Statement:** Unless you list a CalFresh, FDPIR, Medicaid/Medi-Cal, or SSI case number, Section 9 of the National School Lunch Act (NSLA) requires that you include the last four digits of the SSN for the household member signing the form, or indicate that the household member signing the form does not have a SSN. You do not have to list the last four digits of a SSN, but if they are not listed, or the "Check here if no SSN" is not marked, we cannot approve the participant for free or reduced price meals. The last four digits of the SSN may be used to identify the household member in verifying the correctness of the information stated on the form. This may include program reviews, audits and investigations, and may include contacting employers to determine income, contacting a CalFresh, FDPIR, Medicaid/Medi-Cal, or SSI office to determine current certification for CalFresh, FDPIR, Medicaid/Medi-Cal, or SSI benefits, contacting the state employment security office to determine the amount of benefits received, and checking the documentation produced by the household member to prove the amount of income received. These efforts may result in a loss or reduction of benefits, administrative claims, or legal actions if incorrect information is reported. The last four digits of the SSN may also be disclosed to programs as authorized under the NSLA and the Child Nutrition Act, the Comptroller General of the United States, and law enforcement officials for the purpose of investigating violations of certain federal, state, and local education, and health and nutrition programs.

**5. RACIAL/ETHNIC IDENTITY:** You are not required to answer these questions. If you choose to do so, please mark one or more of the following **racial** identities:

- ☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American  
☐ Native Hawaiian or Other Pacific Islander ☐ White

Please mark one of the following **ethnic** identities: ☐ Hispanic or Latino ☐ Not Hispanic or Latino

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339, or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

**Participation Eligibility – Age/Impairment**

- ☐ 60 years of age or older  
☐ If under age 60, qualifying impairment is documented

**CATEGORICAL ELIGIBILITY**

Medicaid/Medi-Cal or SSI recipient categorically eligible free:

- ☐ Yes ☐ No

CalFresh/FDPIR household categorically eligible free:

- ☐ Yes ☐ No

**Participation Eligibility – Residence**

- ☐ Lives in own residence  
☐ Lives with family members  
☐ Board and care (for supervision/monitoring purposes)  
☐ Room and board  
☐ ICF-DDH\*  
☐ **ICF-DDN\*\*:** NOT ELIGIBLE TO PARTICIPATE  
☐ **SNF\*\*\*:** NOT ELIGIBLE TO PARTICIPATE

**YEARLY INCOME ELIGIBILITY:** Annual Income Conversion: Weekly x 52, Every 2 Weeks x 26, Twice a Month x 24, Monthly x 12

Total annual income: Household size:

Eligibility classification: ☐ Free ☐ Reduced Price ☐ Base

Determining official (print name):

Signature:

Certification Date:

\* ICF-DDH: Intermediate Care Facility, Developmental Disabled-Habilitative

\*\* ICF-DDN: Intermediate Care Facility, Developmental Disabled-Nursing

\*\*\* SNF: Skilled Nursing Facility

## HOW TO COMPLETE THE MEAL BENEFIT FORM

Using the instructions below, please complete, sign, and return the Meal Benefit Form to: \_\_\_\_\_

If you need help, call: \_\_\_\_\_

<p><b>4. PARTICIPANT INFORMATION:</b></p> <p>a) Print the participant's name.</p> <p>b) If applicable, provide the participant's <b>Medicaid/Medi-Cal</b> or <b>SSI</b> case number.</p> <p>c) If you provide a case number, sign the form in #4. The participant or an adult household member must sign. You do not have to list a SSN.</p>		
<p><b>5. BENEFITS:</b> Complete this section and sign the form in #4.</p> <p>a) List a current CalFresh or FDPIR case number for any member of the household</p> <p>b) Sign the form in #4. The participant or an adult household member must sign. You do not have to list a SSN.</p>		
<p><b>6. INCOME:</b> Complete this section and sign the form in #4.</p> <p>a) Write the names of the following household members even if they do not have an income: center participant(s), spouse and dependent children of participant(s)</p> <p>b) Write the amount of income each person received last month before taxes or anything else was taken out and where it came from, such as earnings, CalWORKs, pensions, and other income (see examples below for types of income to report). Each income amount should be entered in the appropriate column on the form. If any amount last month was more or less than usual, write that person's usual monthly income.</p> <p>c) If anyone is self-employed, write the amount of income that person earns from self-employment. Please call the number listed at the top of the form if you need help.</p> <p>d) Sign the form and include the last four digits of your SSN in #4. The participant or an adult household member must sign. <i>If you do not have a SSN, check the box "Check here if no SSN."</i></p>		
<p><b>4. LAST FOUR DIGITS OF SSN and SIGNATURE:</b></p> <p>c) The form must have a signature of the participant or an adult household member.</p> <p>d) The participant or adult household member who signs the statement must include the last four digits of his/her SSN. <i>If s/he does not have a SSN, check the box "Check here if no SSN".</i> A SSN is not needed if you listed a CalFresh, FDPIR, Medicaid/Medi-Cal, or SSI case number.</p>		
<p><b>5. RACIAL/ETHNIC IDENTITY:</b> You are not required to answer this question to get meal benefits, but completion of this information will help ensure that everyone is treated equally.</p>		
<p><b>Earnings from Work:</b></p> <p>Wages/salaries/tips</p> <p>Strike benefits</p> <p>Unemployment compensation</p> <p>Worker's compensation</p> <p>Net income from self-employment</p> <p><b>CalWORKs/Child Support/Alimony</b></p> <p>Public assistance payments</p> <p>CalWORKs payments</p> <p>Alimony/child support payments</p>	<p style="text-align: center;"><b>INCOME TO REPORT</b></p> <p><b>Pensions/Retirement/Social Security</b></p> <p>Pensions</p> <p>Supplemental security income</p> <p>Retirement income</p> <p>Veteran's payments</p> <p>Social Security</p>	<p><b>Other Monthly Income</b></p> <p>Disability benefits</p> <p>Cash withdrawn from savings</p> <p>Interest dividends</p> <p>Income from estates/trusts/investments</p> <p>Regular contributions from persons not living in the household</p> <p>Net royalties/annuities/net rental income</p> <p>Military allowance for off-base housing</p> <p>Any other income</p>

## DESCRIPTION OF RACIAL AND ETHNIC CATEGORIES

The federal government has established the following five racial categories and one ethnic category:

### RACE:

**American Indian or Alaska Native** – A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

**Asian** – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, The Philippine Islands, Thailand, and Vietnam.

**Black or African American** – A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

**Native Hawaiian or Other Pacific Islander** – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White** – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

### ETHNICITY:

**Hispanic or Latino** – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."

**Not Hispanic or Latino**



### Checklist for Certifying Adult Participant Eligibility

You may find the following checklists helpful in ensuring that all eligibility documents are completed and certified correctly.

**Meal Benefit Form for Adult Participants:** may be used for all participants

**Sections 1 through 5 are completed by the participant or adult household member**

- ☐ Section 1: Form lists adult participant name(s)  
Form lists Medi-Cal or SSI Benefit Case Number, if applicable. (If a case number is listed, #2 and #3 are not required. Go to #4.)
- ☐ Section 2: Form has a case number in one category. (No household size or income information is required. Go to #4.)
- ☐ Section 3: Form lists household members and current monthly income. (Go to #4)
- ☐ Section 4: Form is signed and dated by the participant or adult household member.
  - ☐ If eligibility is based on household size and income, the form has the last four digits of a Social Security Number; **OR** the box is checked (✓) if the signing adult does not have a Social Security Number.
  - ☐ The last four digits of a Social Security Number are not required if eligibility is based on receipt of benefits.
- ☐ Section 5 (optional): Participant has indicated her/his racial and ethnic identity.

**“For Agency Use Only” Section is completed by the agency’s eligibility official**

#### Participation Eligibility – Age/Impairment

- ☐ One box is checked (✓): Either (1) 60 years of age or older or (2) If under age 60, qualifying impairment is documented.

#### Participation Eligibility – Residence

- ☐ The box is checked that shows where the client lives.

#### Categorical Eligibility

- ☐ The “YES” box is checked (✓) if eligibility determination is based on receipt of Medi-Cal or SSI benefits.  
The “NO” box is checked (✓) if eligibility determination is based on receipt of CalFresh or FDPIR benefits, or household size and income.
- ☐ The “YES” box is checked (✓) if eligibility determination is based on receipt of CalFresh or FDPIR benefits.  
The “NO” box is checked (✓) if eligibility determination is based on receipt of benefits or household size and income.

### Income Eligibility

- ☐ The total monthly household income and total number of household members are calculated and written in the spaces provided.
- ☐ The household size and income have been compared to the current Income Eligibility Guidelines to determine the eligibility category. The appropriate box has been checked (✓): **Free**, **Reduced-Price**, or **Base**.

### Certification

- ☐ Signed and dated by determining official. Signature date can be no later than the last day of the month in which eligibility is reported on the Claim for Reimbursement form.
- ☐ Have another staff person double check to ensure accuracy.
- ☐ Transfer information to Adult Agency Enrollment/Eligibility Roster for month in which eligibility is certified. Have another staff person double check to ensure information has been transferred accurately.

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**Adult Enrollment/Eligibility Roster Alternative Documentation:** alternative documentation may only be used instead of the Meal Benefit Form if the participant currently receives CalFresh (formerly Food Stamps), Food Distribution Program on Indian Reservations (FDPIR), Supplemental Security Income (SSI), or Title XIX (Medi-Cal) benefits.

- ☐ Roster lists participant's name and the case number of the categorically eligible program.
- ☐ If the client **is not** 60 years or older, the client's impairment is written in the space provided.
- ☐ If the client is not eligible to participate (for instance, if they live in an **SNF** or an **ICF-DDN**), the **Not Eligible** field is completed with an explanation.
- ☐ The agency official has certified the roster by signing and dating it.
- ☐ The agency official's signature date is no later than the end of the month in which eligibility is reported on the claim form.

Page \_\_\_\_ of \_\_\_\_

**ADULT AGENCY ENROLLMENT/ELIGIBILITY ROSTER**

AGENCY/SPONSOR NAME	SITE NAME/ROOM	MONTH	YEAR

ADULT PARTICIPANT'S NAME	ELIGIBILITY DETERMINATION			SUBSIDIZED CARE (MEDICAID/ MEDI-CAL)	CATEGORICAL (CalFresh, FDIPIR, or SSI)	Qualifying Program and Case # (CalFresh, SSI, or Title XIX [Medi-Cal])	DATE ENROLLED	NOT ELIGIBLE (EXPLANATION)	DROP DATE	CERTIFICATION DATE
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*For Profit sites:* A minimum of 25 percent of the enrolled participants receive federally subsidized care (Title XIX or XX).

I hereby certify that all of the above enrollment/eligibility information is true and correct.

SIGNATURE OF SPONSOR REPRESENTATIVE

DATE

AGENCY/SPONSOR NAME	SITE NAME/ROOM	MONTH	YEAR

ADULT PARTICIPANT'S NAME	ELIGIBILITY DETERMINATION			SUBSIDIZED CARE (MEDICAID/ MEDI-CAL)	CATEGORICAL (CalFresh, FDIPIR, or SSI)	Qualifying Program and Case # (CalFresh, SSI, or Title XIX [Medi-Cal])	DATE ENROLLED	NOT ELIGIBLE (EXPLANATION)	DROP DATE	CERTIFICATION DATE
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## Instructions for Using the Adult Agency Enrollment/Eligibility Roster

You may use the Adult Agency Enrollment/Eligibility Roster to document your one-month eligibility study.

- If claiming using the **Fixed Percentage** method, complete the roster for the month of October. You need not report your eligibility totals when you submit your claim for any month after October unless the number of participants with free or reduced-price eligibility increases.
- If claiming using the **Actual Count** method, you must complete the roster for October and update it each month during the program year. Add and drop clients from the roster and recalculate your enrollment numbers. You must report your eligibility totals every month when you submit your claim.

Your roster must contain the name of **every** adult enrolled during the month of the study.

- List enrolled adults in the same order as your attendance rosters. Compare the eligibility roster to the attendance roster to be sure everyone who attended is listed.
- For each participant listed as free or reduced-price eligible on the roster, you must have either:
  - (1) A copy of the participant's documentation of participation in CalFresh (formerly Food Stamps), Supplemental Security Income, or Medi-Cal. This documentation will normally be a copy of the participant's benefit card.

OR

- (2) A complete and certified Meal Benefit Form for the participant.

In addition, you must have a Meal Benefit Form for each base rate or not eligible participant because the agency must certify if the enrolled client is, or is not eligible to participate in the CACFP. For base rate or not eligible participants, the participant is not required to complete the household size and income information.

The roster summarizes the information certified on the Alternative Documentation rosters and Meal Benefit Forms.

- Have a second staff person double check each entry against these rosters and forms.
- The eligibility totals listed on this form should be reported on the claim form in the Child Nutrition Information and Payment System (CNIPS).

**FOR-PROFIT AGENCIES:** You must have documentation that shows that at least 25% of your enrolled attending participants are Title XIX (Medi-Cal) or Title XX (Supplemental Security Income) eligible. You may complete the Adult Agency Enrollment/Eligibility Roster on a monthly basis to summarize this information for California Department of Education audits and administrative reviews.

# CACFP

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**CACFP  
CHILD CARE AGENCY ENROLLMENT/ELIGIBILITY ROSTER**

Page **1** of \_\_\_\_\_

AGENCY/SPONSOR NAME	SITE NAME/ROOM	MONTH	YEAR

CHILD'S NAME	ELIGIBILITY DETERMINATION			SUBSIDIZED CARE (TITLE XX)	FOSTER CHILD	EARLY/HEAD-START ELIGIBILITY	MIGRANT	CATEGORICAL	DATE ENROLLED	TRANSFER OR DROP DATE	CERT DATE
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*For Profit sites:* at a minimum of 25 percent of the enrolled or licensed capacity, whichever is less, is eligible for free and reduced price meal reimbursement according to the USDA's household size and income guidelines OR that a minimum of 25 percent of the enrolled or licensed capacity, whichever is less are receiving state and/or federally subsidized care (Title XX).

I hereby certify that all of the above enrollment/eligibility information is true and correct.

SIGNATURE OF SPONSOR REPRESENTATIVE

DATE

## Page \_\_\_\_\_ of \_\_\_\_\_

AGENCY/SPONSOR NAME	SITE NAME/ROOM	MONTH	YEAR

CHILD'S NAME	ELIGIBILITY DETERMINATION			SUBSIDIZED CARE (TITLE XX)	FOSTER CHILD	EARLY/HEAD/EVEN START ELIGIBILITY	MIGRANT	CATEGORICAL	DATE ENROLLED	TRANSFER OR DROP DATE	CERT. DATE
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## **Section 4: Program Accountability**

### **4.1 Administrative Management**

#### **(a) Program Staff**

All institutions must have an adequate number of qualified staff to administer the program. To determine whether its staff is adequate, an institution should consider the following:

- Program responsibilities
- Staff experience and qualifications
- Staff training
- Institution funding

A sponsor must have written job specifications that include CACFP duties for appropriate staff.

#### **Board of Directors—Private, Nonprofit Institutions Only**

The board of directors for an independent center or a center sponsor must have adequate oversight of the program. At a minimum, the board of directors should have a basic knowledge of the program, periodically assess program management, and know of any compliance issues that result from program reviews or audits. See **section 1.2(b)** for a discussion of nonprofit organizations, including boards of directors.

#### **Monitoring Staff—Center Sponsors Only**

Center sponsors are required to monitor each sponsored center during the program year. Sponsors must ensure that there is an adequate number of qualified staff to perform required monitoring.

A sponsor with 25 or more centers must employ the equivalent of at least one full-time staff person for every 25 to 150 centers.

A full-time equivalent is defined as a staff person who works 52 weeks per year at 40 hours per week. For example, a sponsor that is required to employ the equivalent of one full-time staff person may meet this requirement by employing two full-time staff members (working 40 hours per week), with each employee spending half of his or her staff hours performing monitoring duties. Alternatively, a sponsor may employ only one staff person whose sole responsibility is center monitoring.

## **(b) Records Retention**

All records must be maintained for a minimum of three years after the end of the program year to which they pertain, or until audit and administrative review issues are resolved. For example, records related to the reimbursement received during FY 10/11 (October 1, 2010, through September 30, 2011) must be kept until October 1, 2014. These records may then be disposed of only if there are no unresolved audit findings or administrative review issues and the sponsor's program is not under investigation.

In the event of an earthquake, flood, or fire, evidence of enrollment documentation, eligibility, and meal counts is required. These records need to be kept even if they are rendered illegible by water or fire damage. If the documents are completely lost, sponsors must have a record of the disaster to document their loss (such as an insurance or police report). The NSD must be notified immediately if these records are lost or damaged.

Records pertaining to the CACFP must be maintained on site and available for review during normal business hours. Failure to maintain records that support claims may result in denial of reimbursement and jeopardize an institution's participation in the CACFP.

## **(c) Annual Update of Program Agreement**

To continue participation in the program, institutions must submit an update to the NSD each year.

Institutions complete the annual update by reviewing, updating as necessary, and submitting their Application Packet in the CNIPS. In addition to reviewing the required forms online, institutions must submit a copy of their most recent financial audit or year-end financial statement.

**Reference:** 7 *CFR* 226.6(b)(2), 226.15(d), 226.16(b)(1), 226.23(d)

## **4.2 Financial Management**

All institutions must demonstrate that they have the necessary financial resources to operate the CACFP on a routine basis. At times, such as when the State of California does not have a budget in place, the NSD may not be able to issue program payments. Consequently, an institution must have the financial ability to cover interruptions in program payments.

In general, program reimbursement will not cover the full cost of operating a food service. As a result, the reimbursement should be used in conjunction with other funding sources. In those instances where an institution shows a "profit" or funding excess, the excess must be returned to the program to further improve the food service.

An institution must have a written financial management system that ensures:

- funds are properly received;
- expenditures are properly incurred;
- reimbursement claims are filed appropriately.

#### **(a) Administrative Budgets**

An institution's program expenditures must be allowable, necessary, and reasonable and follow the cost dictates of USDA's FNS Instruction 796-2, Revision 4 (<http://www.fns.usda.gov/sites/default/files/796-2%20Rev%204.pdf>). A brief summary of the Instruction's guidance is provided below.

- (i) **Center Sponsors:** Each year, a center sponsor must submit a budget that covers the program year of October 1 through September 30. The budget is divided into three parts: Administrative Costs and Income, Operating Costs and Income, and Total Program Costs and Total Program Income.

A sponsor may apply up to a maximum of 15 percent of its annual reimbursement to cover the costs of administering the program. For instance, if a sponsor received \$10,000 in reimbursement for a program year, the sponsor could use only \$1,500 for administrative expenses. Administrative costs include administrative labor such as eligibility determinations, claims preparation, monitoring, and training. In contrast, a sponsor may use any amount of program reimbursement to cover program operating costs that include food and food service labor.

- (ii) **Independent Centers:** Independent centers also submit a budget each year. An independent center does not have a limitation on the amount of reimbursement that may be spent on administrative expenses, although any program expense must be allowable, reasonable, and necessary.

#### **Allowable Expenses—A Partial Listing**

Program reimbursement is supplemental funding that is intended to enhance a center's food service operation, so that a center may provide better-quality food to more participants. Consequently, most centers will use their reimbursement for a limited number of program expenses. For this reason, the following list of allowable expenses is confined to a small number of typical expenses that coincide with the cost categories of the center budgets.

- **Food:** This expense may be for the cost of purchased food items for on-site meal preparation, the cost of vended meals from a food vendor, or a combination of both. Generally, food costs will be the largest or the only expense for which a center uses its program reimbursement.

- **Food Service Supplies:** This expense may be for the cost of purchasing plates (including paper), cups, utensils (including plastic), and paper goods.
- **Food Service Labor and Benefits:** This expense may be for salaries and wages, employment taxes, and employee benefits for employees whose only duties are related to the food service. Generally, program reimbursement will only partially cover labor and related costs. In any case, the costs must be supported by time and attendance reports and relevant payment records for taxes and benefits.

Regulations require personnel activity reports (PARs) or equivalent documentation to support the costs of salaries and wages charged for employees working on multiple activities or cost objectives. To establish the portion of costs that may be claimed as a program labor cost, these reports must identify the total time **actually** worked by the employee, not just the time spent on CACFP activities. Estimated working hours are not acceptable.

- **Equipment:** Equipment is defined as an item of nonexpendable personal property with a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A center or sponsor may use either the 15-year straight line depreciation or the depreciation method used and accepted for federal income tax reporting. Generally, program reimbursement will not cover the acquisition cost of equipment.
- **Rent/Lease:** This cost may be for the rental or lease of office space or equipment used in the program.
- **Administrative Labor and Benefits:** This expense must be supported by PARs for employees working on multiple activities or cost objectives. PARs must identify the total time **actually** worked by the employee, not just the time spent on CACFP activities. Estimated working hours are not acceptable. *Remember:* A sponsor may spend only 15 percent of its annual reimbursement on administrative costs.

### Unallowable Expenses—A Partial Listing

- **Bad Debts and Losses:** Debts and losses arising from uncollected accounts, late payment charges, insufficient fund charges, program disallowances, audit or review overclaims, other claims, related collection costs, and legal fees may not be charged to the program.
- **Contingencies:** Contributions to a contingency fund with program money are not allowed.
- **Entertainment and Social Function Costs:** Costs arising from amusements and social activities—including meals, beverages, gifts, prizes, lodging, rentals, and transportation—may be not charged to the program.

- **Fines and Penalties:** Any fines and penalties stemming from a failure to comply with federal, state, and local laws and regulation are not allowable.
- **Political, Partisan, and Legislative Costs:** These expenses may not be charged to the program.

## Nonprofit Food Service

An institution, whether it is public, nonprofit, or for-profit, must operate a nonprofit food service operation. That is, program reimbursement must be used solely for program expenses that are allowable, reasonable, and necessary.

If an institution's accounting system shows a profit for the food service program, that profit cannot at any time be greater than three months' average expenses.

If an institution's profit does exceed this excess balance threshold, the institution must develop a corrective action plan for proper use of excess funds. Excess funds must be used to benefit program participants through improvement or expansion of the nonprofit food service program.

**Reference:** 7 *CFR* 226.6, 226.7(g), 226.15(b), 226.16(b)(1); USDA FNS Instruction 796-2, Revision 3; Management Bulletin:

NSD-CACFP-07-2011 Definition of Excess Fund Balance in Nonprofit Food Service Programs

<http://www.cde.ca.gov/ls/nu/cc/mbnsdcacfp072011.asp>

### 4.3 Program Training

All institutions are required to:

- ensure that appropriate staff participate in mandatory training offered by the NSD;
- provide annual staff training on program requirements.

In addition, **center sponsors** are required to provide training to any new centers added to the sponsor's program agreement.

#### (a) NSD Annual Training

An institution must require appropriate staff to participate in the annual training provided by the NSD. The NSD uses a combination of on-site workshops and online courses to provide this training and allows institutions to decide which training venue is best suited for their program personnel.

Appropriate staff may include program staff with direct program responsibility, program directors, executive directors, and board members. The NSD tracks the participation of each institution and issues a certificate of participation.

### **(b) Institution Annual Training**

An institution must maintain documentation of annual staff training on program requirements. The training should be appropriate to the experience and duties of the staff. Consequently, the institution may choose to present a general overview of the program that covers the meal pattern, meal counts, reimbursement claims, and recordkeeping. It may also choose to focus on a specific topic, such as meal counts, because of past compliance problems.

Each year, institutions are required to cover the following topics during staff trainings:

- Meal Patterns
- Meal Counts
- Claim submission and review procedures
- Recordkeeping requirements
- Reimbursement systems
- Civil Rights compliance

### **(c) New Centers—Center Sponsors Only**

When a sponsor adds a new center to its program agreement, the sponsor must train the new center staff in the duties and responsibilities of the CACFP prior to the center's participation in the program. The training must include recordkeeping requirements, claim reimbursement procedures, the meal pattern, and monitoring responsibilities, as applicable.

**Reference:** 7 *CFR* 226.15(e)(12), 226.15(e)(14), 226.16(d)(2), 226.16(d)(3), 226.17(b)(10), 226.19(b)(6), 226.19a(b)(11); Management Bulletins:

- 04-206 Mandatory Institution Attendance at State Agency and Child and Adult Care Food Program Training  
<http://www.cde.ca.gov/ls/nu/cc/mb04206.asp>
- 05-207 Training and Monitoring  
<http://www.cde.ca.gov/ls/nu/cc/mb05207.asp>

### **Forms:**

- Staff Training Report
- Center Monitoring Review Report

#### 4.4 Program Monitoring—Center Sponsors Only

A center sponsor has the additional program responsibility of monitoring its centers to assess program operation.

##### **(a) Monitoring Review Requirements**

All sponsors that do not use review averaging (see **section 4.4[d]**) must conduct on-site monitoring visits to each sponsored center at least three times per year. A year is defined as a consecutive twelve-month period that may or may not coincide with the program year of October 1 through September 30.

Review frequency requirements are as follows:

- Two of the three monitoring visits must be unannounced.
- One of the unannounced visits must include a meal observation.
- The timing of unannounced visits must be varied so that they are unpredictable to the center.
- A new center must be visited within the first four weeks of operation.
- No more than six months may elapse between center visits.

##### **Review Content**

During the monitoring visit, a sponsor must review:

- menus and menu production records (to ensure compliance with the meal pattern);
- the center license (to ensure that the center does not exceed licensed capacity);
- meal counts (to verify point-of-service counts and ensure that no more than two meals and one snack or two snacks and one meal are claimed per participant per day);
- enrollment records (to ensure that they are updated annually);
- whether the center has posted an “And Justice For All” poster.

In addition, a sponsor must conduct a five-day reconciliation of the meal counts to assess the reasonableness of meals claimed. The five-day reconciliation is a three-step process:

1. Select five consecutive days during a current or prior claim month.
2. Ensure enrollment and attendance records are current and accurate and that meal counts do not exceed license capacity for each meal type claimed.
3. Compare enrollment and attendance to meal counts for each meal type claimed. Daily meal counts should not exceed the facility's enrollment or attendance. For example, if a facility's enrollment is 55 and the attendance for a given day is 50, the meal count for each meal type claimed that day should not exceed 50.

The reconciliation will yield one of two results:

- Either no errors at any point in the process, indicating the center has a valid meal count system

OR

- Problems with enrollment, attendance, meal counts, or a combination thereof, necessitating corrective action

**Actual Count institutions only:** A center sponsor that uses the Actual Count claiming method may use a random sample of participants for the five-day reconciliation. The sample must be 10 percent of the enrolled participants, with a minimum of five participants in centers with 50 or fewer enrolled. For example, in a center that has 60 enrolled participants, a sponsor must compare the attendance with meals claimed for six participants during a five-day period.

If the five-day reconciliation uncovers meal count problems or other program problems with the center's operation, the sponsor must take appropriate action to correct the problems. Otherwise, uncorrected center problems may cause the NSD to designate the sponsor as seriously deficient and jeopardize its participation in the CACFP (see **section 4.6[b]**).

At each monitoring visit, sponsors must assess whether problems identified in the prior review have been resolved and, if necessary, take action.

Finally, a sponsor must document its monitoring visits, noting compliance areas reviewed, compliance problems uncovered, and corrective actions prescribed. A sample Site Monitoring Report may be found in the Download Forms section of the CNIPS.

### **(b) Household Contacts—Sponsors Only**

Sponsors are to have established household contacts procedures listing the circumstances when the household contacts are conducted in order to verify the enrollment and attendance of the children in care and the specific meals that are routinely served to those children. Regulations require sponsors to conduct household contacts under the following instances:



- The center claims more meals than participants enrolled or in attendance.
- The center claims weekend or holiday meals without the documentation of enrollment or attendance records.
- The center claims a uniform number of meals, which raises suspicion about the center's claiming practices.
- The center reports that one or more participants are never absent from care.
- The center consistently reports higher attendance figures than are verified during monitoring visits.

### **(c) Follow-Up Reviews**

If a sponsor finds one or more serious deficiencies during a monitoring review, the next visit to the center must be unannounced.

### **(d) Review Averaging**

A sponsor may meet its monitoring requirements by conducting review averaging, which allows a sponsor to average three reviews per center per year with a minimum of two unannounced visits to a center.

For example, a sponsor with four centers must conduct a total of 12 reviews each year. One of the four centers is an exemplary program, and another is new and problematic. The sponsor decides to conduct review averaging, visiting the exemplary center less frequently and the problematic center more frequently:

Center 1 — exemplary	2 unannounced visits
Center 2 — average to good	3 monitoring visits (2 unannounced)
Center 3 — average to good	3 monitoring visits (2 unannounced)
Center 4 — new and problematic	4 monitoring visits (2 unannounced)
<b>Total Reviews Conducted</b>	<b>12</b>
Average Number of Reviews	3

In the next review year, the sponsor must visit Center 1 within nine months of the last visit in the prior year. For example, if the sponsor last visited Center 1 in February, the first review in the next year must occur by November.

**Reference:** 7 *CFR* 226.16(d)(4); Management Bulletins:

- 02-200 Monitoring Requirements Revised  
<http://www.cde.ca.gov/ls/nu/cc/mb02200.asp>

- 05-207 Training and Monitoring  
<http://www.cde.ca.gov/ls/nu/cc/mb05207.asp>
- 05-219 Second Interim Rule: Five-Day Meal Count Reconciliation  
<http://www.cde.ca.gov/ls/nu/cc/mb05219.asp>
- 06-208 Sponsor Monitoring of Facilities in the Child and Adult Care Food Program  
<http://www.cde.ca.gov/ls/nu/cc/mb06208.asp>
- 06-209 Facility Review Averaging  
<http://www.cde.ca.gov/ls/nu/cc/mb06209.asp>
- NSD-CACFP-02-2007 Second Interim Rule: Household Contacts  
<http://www.cde.ca.gov/ls/nu/cc/mb022007.asp>
- USDA-CACFP-10-2011 Varied Timing of Unannounced Reviews in the Child and Adult Care Food Program  
<http://www.cde.ca.gov/ls/nu/cc/mbusdacacfp102011.asp>

#### **Forms:**

- Center Monitoring Review Report

#### **4.5 Civil Rights Compliance**

Institutions must ensure that the program is offered and administered in a nondiscriminatory manner and complies with the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

The NSD Civil Rights and Complaints Handbook, along with other resources involving civil rights compliance, is posted on the USDA Civil Rights page of the CDE Web site:  
<http://www.cde.ca.gov/ls/nu/cr/>

##### **(a) Civil Rights Coordinator**

Institutions are required to appoint a civil rights coordinator whose duties include:

- providing training and implementing procedures to review civil rights complaints;
- making information about program requirements and the procedures for filing a complaint available to the public and to potential participants;
- ensuring that the nondiscrimination statement is included on all public materials (such as advertisements, flyers, and postcards).

## **(b) Public Notification**

In order to comply with the public notification requirement, all institutions must:

- include the following nondiscrimination statement on all materials and literature describing an institution's available CACFP benefits:

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call 866-632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue S.W., Washington, DC 20250-9410; by fax to 202-690-7442; or by e-mail to [program.intake@usda.gov](mailto:program.intake@usda.gov). Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339; or 800-845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

*Note:* The only protected classes covered under the Child Nutrition Programs are race, color, national origin, sex, age, or disability.

If an institution uses a document that is half of a page, with text on one side only, the following shorter statement may be used:

This institution is an equal opportunity provider.

The statement used must be in at least the same font size as the text describing program benefits.

- prominently display the 11" x 17" civil rights poster "And Justice for All" at each center so that it is visible to participants. To obtain posters, contact Shirley Rhodes, CDE Civil Rights Complaint Coordinator, by phone at 916-323-8521 or by e-mail at [srhodes@cde.ca.gov](mailto:srhodes@cde.ca.gov).
- provide appropriate translation of program information to eligible non-English-speaking persons. Translated materials are posted on the CDE and USDA Web sites.

## **(c) Civil Rights Training**

As part of the annual training requirement (see **section 4.3**), institutions must provide staff with training on civil rights topics. Training must cover these topics:

- Collection and use of data
- Effective methods of public notification
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

#### **(d) Data Collection and Reporting**

Institutions are required to collect and report racial and ethnic data annually. These data are used by the USDA to determine programs' effectiveness at reaching potentially eligible individuals and to identify where further outreach is needed.

Data may be collected on the participant's enrollment form or eligibility form. If a participant elects not to disclose racial and ethnic data to the institution, the institution must report the participant's racial/ethnic category based on visual observation. If a participant chooses to disclose this information, the institution may not change or challenge the reported information unless it is clearly false.

**Reference:** 7 *CFR* 226.6(b)(2)(vii)(C)(5)(iv), 226.6(b)(4)(iv), 226.23(b), 226.23(c)(5); USDA FNS Instruction 113-1

#### **4.6 NSD Program Review**

The NSD must conduct a compliance review of each institution's program operation at least once every three years. Center sponsors that have 100 or more facilities are reviewed at least once every two years.

In addition, the CDE and other state or federal officials have the right to make announced or unannounced reviews of an institution's operations during the institution's normal hours of child or adult care operations. Any persons conducting such reviews must show photo identification that demonstrates they are employees of an appropriate state or federal entity.

#### **(a) Compliance Review Guidance**

An institution scheduled for review will be contacted by the NSD Field Services Unit (FSU) before the review date. The institution will also receive a letter confirming the appointment and review guidance information that details the scope of the review. The

FSU reviewers assess an institution's program operation using the rubric that begins on the following page, which institutions may use to prepare for reviews:

Compliance Area	<i>This row lists the Compliance Areas under review.</i>
Needed Documents	<i>This row details the documents you must make available to the reviewer and gives you additional information to help prepare for the review.</i>
Additional Information and References	<i>This row provides additional information to help your institution prepare for the review.</i>

**Unless your institution receives different instructions, please make available your records for the current program year (October to present).** These records should be:

- organized by facility;
- available for review at a central location, such as the administrative office.

### **Definitions of Terms and Abbreviations Used in the Following Tables**

- ADC = Adult Day Care
- ADHC = Adult Day Health Care
- CCC = Child Care Centers
- Infants = Children ages 0 to 11 months old

### **Performance Standards 1—Financial Viability (7 CFR 226.6[b][1][xviii][A] and [b][2][vii][A])**

Compliance Area	<b>100</b> <b>Financial Management</b>
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<p>Needed Documents</p>	<p>CACFP Application, Budget, and Management Plan or Viability, Capability, and Accountability (VCA Form) as approved in the CNIPS</p> <p>Evidence of vendor payments being current</p> <p>Financial statements reflecting institution's financial resources for the <b>current and prior program years</b>, such as:</p> <ul style="list-style-type: none"> <li>• Bank statements</li> <li>• Balance sheets</li> <li>• Income statements or Profits and Losses</li> <li>• Independent audit report, if applicable</li> </ul>
<p>Additional Information and References</p>	<p>Institutions must maintain documents to demonstrate there are adequate financial resources to operate the CACFP.</p> <p>Institutions expending federal funds that exceed \$500,000 annually must complete an independent audit report on an annual basis.</p> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 <i>CFR</i> 226.6(b)(1)(xviii)(A) and (2)(vii)(A)</li> <li>• <i>FNS Instruction 796-2, Revision 3</i>, and 7<i>CFR</i> 3015, 3016, and 3019</li> <li>• Management Bulletins NSD-CACFP-03-2007 and NSD-CACFP-07-2011</li> </ul>

**Performance Standards 2—Administrative Capability (7 CFR 226.6[b][1][xviii][B] and [b][2][vii][B])**

Compliance Area	<b>200 Procurement Procedures</b>
Needed Documents	<p>A. Food service contract/agreement with either a school district or private vendor, if applicable</p> <p>B. Itemized invoices/receipts for purchases related to the CACFP for the <b>current and prior program years</b></p> <p>C. Documents reflecting compliance with the competitive bidding procedures as appropriate if the aggregated annual value of the procurement exceeds the following small purchase threshold:</p> <ul style="list-style-type: none"> <li>• Nonprofit and for-profit institutions — \$100,000</li> <li>• Public school districts — Adjusted by the CDE each year</li> <li>• State or local governments — \$100,000 or a lower threshold set by the government</li> </ul>
Additional Information and References	<p>All procurement transactions, regardless of dollar value, must be conducted in a manner that provides maximum open and free competition.</p> <p>If the procurement of foods, supplies, services, or equipment costs in the aggregate more than the established threshold, program procurements must be made by one of the following methods:</p> <ul style="list-style-type: none"> <li>• In competitive sealed bids (formal advertising)</li> <li>• In competitive negotiation (only if conditions are not appropriate for the use of formal advertising)</li> <li>• Noncompetitive negotiation (only if the item is available from a single source only).</li> </ul> <p>Institutions that contract with a school district for meals are not required to go out to bid but must have a food service agreement with the district.</p> <p>Contracts with Food Service Management Companies are limited to one year in duration but allowed four one-year extensions. A renewal of the contract must be done annually.</p> <p>References include but are not limited to 7 CFR 226.22.</p>
Compliance Area	<b>220 Program Resources</b>
Needed Documents	<p>A. Evidence of dissemination of information regarding the importance and benefits of the WIC and the eligibility requirements (not applicable to At-risk Afterschool Meals, Emergency Shelters, the ADC/ADHC)</p> <p>B. Evidence of institution's access to the USDA and NSD instructions, guidance, handbooks, and Management Bulletins regarding the CACFP</p>
Additional Information and References	<p>Institutions must inform parents and guardians of enrolled children on the benefits and eligibility requirements of the Supplemental Food Program for Women, Infants, and Children (WIC). The order form for WIC outreach materials is available through the California Office of State Publishing: <a href="http://www.documents.dgs.ca.gov/osp/wic/osp502.pdf">http://www.documents.dgs.ca.gov/osp/wic/osp502.pdf</a></p> <p>References include but are not limited to 7 CFR 226.15(n) and (o).</p>

Compliance Area	<p style="text-align: center;"><b>240</b> <b>Policies and Procedures</b></p>
<p style="text-align: center;">Needed Documents</p>	<p>A. Documentation of policies, procedures, and duty statements that assign responsibilities and duties for the CACFP.</p> <p>B. Civil rights complaint procedures</p> <p>C. Written procedures for household contacts specifying the circumstances and procedures for household contacts to verify the enrollment and attendance of participating children (not applicable to independent centers, the ADC, ADHC, At-risk Afterschool Meals, and Emergency Shelters)</p> <p>D. For institutions sponsoring unaffiliated facilities for the CACFP:</p> <ul style="list-style-type: none"> <li>• Written agreement with each unaffiliated facility</li> <li>• Written procedures for disbursement of funds, if applicable</li> <li>• Written policy on uncashed checks, if applicable</li> </ul>
<p style="text-align: center;">Additional Information and References</p>	<p>Institutions must have written policies and procedures that assign program responsibilities and duties to ensure compliance with CACFP and civil rights requirements.</p> <p>Institutions must have a designated Civil Rights Complaint Coordinator to handle civil rights complaints related to the CACFP.</p> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 <i>CFR</i> 226.6(b)(1)(xviii)(B) and (2)(vii)(B), 226.6(m)(5), 226.15(e), and 226.16 (b) and (h)</li> <li>• The USDA Civil Rights page of the CDE Web site</li> <li>• <i>FNS Instruction 113-1</i></li> <li>• Management Bulletins NSD-CACFP-02-2007 and NSD-CNP-02-2010</li> </ul>
Compliance Area	<p style="text-align: center;"><b>280</b> <b>Pricing Program</b></p>
<p style="text-align: center;">Needed Documents</p>	<p>A. Written meal counting and collection procedures</p> <p>B. Prior to review, provide the following to reviewer:</p> <ul style="list-style-type: none"> <li>• Number of free and reduced-price MBFs for the review month</li> <li>• List of participants eligible for free or reduced-price meals</li> <li>• Address for households selected for verification</li> </ul>
<p style="text-align: center;">Additional Information and References</p>	<p>Institutions operating a pricing CACFP, which allows a separate charge for meals, must have these additional documents available for review.</p> <p>The reviewer will select three percent of free and reduced-price MBFs to verify children's eligibility.</p> <p>References include but are not limited to 7 <i>CFR</i> 226.23(c).</p>



**Performance Standards 3—Program Accountability (7 *CFR* 226.6[b][1][xviii][C] and [b][2][vii][C])**

Compliance Area	300 Enrollment
Needed Documents	<p>A. Alphabetical list of all enrolled participants (monthly roster) to include:</p> <ul style="list-style-type: none"> <li>• Name of participants</li> <li>• Eligibility category</li> <li>• Enrollment date</li> <li>• Withdrawal date, if applicable</li> </ul> <p>B. Enrollment documents for each enrolled participants</p> <p>C. Signed decline forms for enrolled participants not in the CACFP</p> <p>D. Attendance records and/or sign in/out sheets for the current federal fiscal year</p>
Additional Information and References	<p>Enrollment documents (not applicable to the At-risk Afterschool Meals Program and Emergency Shelters):</p> <ul style="list-style-type: none"> <li>• Child care centers — Enrollment documents, listing usual days and hours in care and expected meals, must be updated; signed; and dated by parents/guardians annually. If a center maintains accurate sign-in/out sheets on a daily basis, the enrollment documents do not need to list days and hours in care and expected meals.</li> <li>• Adult component — The ADC and ADHC must maintain enrollment documents for each participant but are not required to update the enrollment documents annually.</li> </ul> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 <i>CFR</i> 226.15(e)(2), 226.17(c), and 226.19a (b)(8) and (c)</li> <li>• Management Bulletins NSD-CACFP-05-2009 and 06-221</li> </ul>
Compliance Area	500 Eligibility
Needed Documents	<p>A. MBFs or approved alternative documents supporting the eligibility numbers by category (free, reduced-price, and base) reported on the Claim for Reimbursement (not applicable to At-risk Afterschool Meals and Emergency Shelters)</p> <p>B. For At-risk Afterschool Meals:</p> <p>Documents of the facility in the attendance area of a school in which at least 50 percent of the enrolled children eligible for free or reduced-price school meals</p> <p>C. Alphabetical list of all enrolled participants (monthly roster) to include:</p> <ul style="list-style-type: none"> <li>• Name of participants</li> <li>• Eligibility category, if applicable</li> <li>• Enrollment date</li> <li>• Withdrawal date, if applicable</li> </ul> <p>For each separate program type claimed in the CNIPS (Child Care, School Age, Head Start, At-risk, etc.), there must be a separate eligibility roster.</p>

<p>Needed Documents (continued)</p>	<p>D. Proprietary (for- profit) institutions — A document listing participants' eligibility status for each month and each facility claimed, showing:</p> <ul style="list-style-type: none"> <li>• Child care centers — at least 25 percent of the enrolled participants or licensed capacity, whichever is less, eligible for free (F) or reduced-price (R) meals or Title 20 (the 25 percent cannot result from a combination of F or R meals and Title 20)</li> <li>• Adult component — At least 25 percent of the enrolled participants eligible for Title 19 or Title 20</li> </ul> <p>E. Reimbursement claims, including all adjustments</p> <p>F. Eligibility income scales for the current year, if applicable</p> <p>G. Letter to Parents or Letter to Households (with the income scale for reduced-price meals), if applicable</p> <p>H. Care plan of each participant under the age of 60 (applicable to the ADC and ADHC only)</p>
<p>Additional Information and References</p>	<p>A MBF is valid for 12 months from the first day of the month in which it is certified.</p> <p>The monthly roster should list all enrolled participants, including participants whose parents/guardians choose to decline program meals (such as infants), and participants whose households choose not to return a MBF. Arrange MBFs, enrollment documents, and other alternative documents, as applicable, in the same order as the monthly roster.</p> <p>All children or adults in a household are categorically eligible for free meals if any child or adult receiving CalFresh, CalWORKs, Kin-GAP, or FDPIR benefits is a member of that household.</p> <p>In lieu of the MBFs, alternative documents can be used to qualify participants in or with the following programs or designations for free meals:</p> <ul style="list-style-type: none"> <li>• Children eligible for free or reduced-price school meals — School's certification letter of meal benefits</li> <li>• Foster children — Documentation from a state or local agency showing the child's care/placement is the responsibility of the state or the child is placed by a court with a caretaker household</li> <li>• Head Start (HS), Early HS, and Even Start — Roster listing all enrolled children (without regard to income eligibility)</li> <li>• Homeless children — Certification signed and dated by the homeless liaison or shelter director containing: (1) child's name, (2) effective date of participation, and (3) residence (shelter, etc.)</li> <li>• Migrant children — Certification signed and dated by the local operating agency's or school district's Migrant Education Program coordinator</li> <li>• ADC and ADHC — Rosters signed and dated by the determining official identifying participants receiving Medi-Cal, Supplemental Security Income, CalFresh, or FDPIR benefits and a copy of the eligibility card attached for each participant</li> </ul> <p>Eligibility materials are posted on the CDE Web site at the following locations:</p> <ul style="list-style-type: none"> <li>• Child Care Centers: <a href="http://www.cde.ca.gov/ls/nu/cc/celigmaterials.asp">http://www.cde.ca.gov/ls/nu/cc/celigmaterials.asp</a></li> <li>• Adult Component: <a href="http://www.cde.ca.gov/ls/nu/cc/eligmaterials.asp">http://www.cde.ca.gov/ls/nu/cc/eligmaterials.asp</a></li> </ul>

	<p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 <i>CFR</i> 226.10(c); 226.15(g); 226.17(b)(4) and (8) and (c); 226.17a(a), (b), (c), and (i); 226.19(b) and (c); 226.19a (a), (b)(3), (6), and (10), and (c); and 226.23(e)</li> <li>• Management Bulletins NSD-CACFP-08-2007, USDA-CACFP-04-2010, USDA-CNP-05-2010, and Information Alert USDA-CNP-01-2011</li> </ul>
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Compliance Area	600 Meal Counts
Needed Documents	<p>A. Daily meal count records of reimbursable meals recorded at the time of service by site</p> <p>Daily meal count records and monthly meal count summaries (consolidation) must <b>be separated</b> to match each separate program type claimed in the CNIPS, for example: Child Care, School Age, Head Start, At-risk, etc.</p> <p>B. Monthly meal count summaries by site</p> <p>C. Shift documents, if applicable</p> <p>D. Attendance records and sign in/out sheets</p> <p>E. Reimbursement claims, including all adjustments</p> <p>F. Documentation of edit checks (not applicable to independent centers)</p> <p>G. Evidence of household contacts, if applicable (not applicable to independent centers, the ADC, ADHC, and At-risk Afterschool Meals, and Emergency Shelters)</p>
Additional Information and References	<p>Institutions must have a system for counting and recording meals at the time of service to report correctly on the Claim for Reimbursement.</p> <p>Meals served to children must be recorded <b>separately</b> by program type as claimed in the CNIPS. For example: Child Care Center, School Age, Head Start, At-risk, etc.</p> <ul style="list-style-type: none"> <li>• Documentation of the following information, by facility, must be ready for review:</li> <li>• Actual Claiming Method — Meal count totals tallied by child, meal type, and category (free, reduced-price, and base)</li> <li>• Fixed Percentage Claiming Method — Meal count totals by meal type</li> <li>• Operating days and hours for each facility</li> <li>• Serving time of each meal type claimed</li> </ul> <p>Edit checks (for sponsoring organizations only) — Sponsoring organizations (with affiliated and/or unaffiliated facilities) must have a system to conduct edit checks on meal counts by facility to ensure that:</p> <ul style="list-style-type: none"> <li>• each facility has been approved for the meal types claimed;</li> <li>• the total number of meals claimed for each meal type does not exceed the maximum number that may be served in a claiming period (the product of enrollment or licensed capacity times the number of operating days).</li> </ul> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 <i>CFR</i> 226.10 (c)(1) and (2); 226.15(e)(4), and (5); 226.17(b)(3), (4), (5), (6), (7), (8) and (9)</li> <li>• Management Bulletin 06-221</li> </ul>

Compliance Area	<b>700 Licensing Requirements</b>
Needed Documents	<p>A. Copy of licenses or alternative documents for all facilities claimed, as applicable</p> <p>B. Evidence of license renewal, as applicable</p>
Additional Information and References	<p>Institutions must have applicable federal, state, or local licensing agency's approval to provide services to participants.</p> <p>References include but are not limited to 7 <i>CFR</i> 226.6(d) and (e) and 226.17(b)(1); and 226.19a(b)(3).</p>
Compliance Area	<b>800 Meal Requirements</b>
Needed Documents	<p>A. Menus</p> <p>B. Food service records reflecting food items and quantities prepared and served</p> <p>C. Transport records, if food being transported from the production kitchen to facilities</p> <p>D. Delivery receipts, if meals are vended</p> <p>E. Child Nutrition (CN) labels or product specifications, if using commercially prepared items</p> <p>F. Standardized recipes, if applicable</p> <p>G. Infant meal records reflecting food items and quantities prepared for each age group (applicable to institutions claiming infant meals only)</p> <p>H. Medical statements/parent requests for children with special dietary needs or disabilities</p> <p>A copy of the CACFP37, "Medical Statement to Request Special Meals and/or Accommodations," is available to download in the CNIPS by clicking Download Forms in the Applications section.</p>
Additional Information and References	<p>Meals claimed for reimbursement must contain the required meal components in quantities as set forth by the CACFP. Institutions receiving vended meals must ensure meal ordering is based on one meal per participant per meal type per day; failure to adjust meal orders to conform to the number of participants is a serious deficiency.</p> <p>A child care center that provides care for infants (ages 0 to 11 months old) may choose not to claim infant meals but must offer the infant a meal that complies with program requirements as long as the infant is in care during the meal service period. As with all children in child care centers, an infant's parent or guardian may decline what is offered and supply the infant's meals instead. Institutions must obtain a signed waiver from the parents/guardians to decline meals.</p> <p>There must be two hours elapsed between a meal and a snack and three hours between two major meals.</p> <p>Fluid milk served to participants two years of age and older must be fat-free (skim) or low-fat (1%) fluid milk. Substituting juice for milk as part of a reimbursable meal is only allowed for participants with a disability that is supported by the medical statement. Non-dairy beverages may be offered in lieu of fluid milk for participants without a disability. Non-dairy beverages must be nutritionally equivalent to milk and provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin, and vitamin B-12.</p> <p>Institutions, except adult care centers, must have drinking water available for children throughout the day, including at meal times.</p>

<p>Additional Information and References (continued)</p>	<p>At a minimum, food service records such as menu production records should include the following:</p> <ul style="list-style-type: none"> <li>• Estimated number of participants</li> <li>• Menu item</li> <li>• Name and form of food used</li> <li>• Portion size</li> <li>• Quantity prepared</li> </ul> <p>At a minimum, transport records or delivery receipts should include the following:</p> <ul style="list-style-type: none"> <li>• Menu items</li> <li>• Portion size for each menu item</li> <li>• Quantity for each menu item</li> </ul> <p>Institutions must have documents, such as purchase receipts/invoices to substantiate menus and the numbers of meals claimed.</p> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 CFR 226.15(e)(10), 226.17(b)(4), 226.20, and Appendix C</li> <li>• Management Bulletins 02-218, 05-200, NSD-CNP-01-2009, NSD-CACFP-05-2011, and USDA-CACFP-13-2011</li> </ul>
<p>Compliance Area</p>	<p style="text-align: center;"><b>900</b> <b>Fiscal Accountability</b></p>
<p>Needed Documents</p>	<p>A. Summaries of income and expenses related to the CACFP for the <b>current and prior program years</b> to include:</p> <ul style="list-style-type: none"> <li>• Federal and state reimbursement payments</li> <li>• Donations, if applicable</li> <li>• Meal income for the pricing program, if applicable</li> <li>• Food costs</li> <li>• Labor costs</li> <li>• Other costs, if applicable</li> </ul> <p>B. Evidence of bank deposits of income received</p> <p>C. Evidence of payroll tax payments being current</p> <p>D. Itemized receipts for food purchased to support food costs</p> <p>E. Documentation to support labor costs, if applicable</p> <p>F. Itemized receipts for non-food items and documentation of other costs related to the CACFP to support other costs</p>
<p>Additional Information and References</p>	<p>All institutions, for profit or not, must operate a nonprofit food service principally for the benefit of their enrolled participants. A nonprofit status does not require that an institution operates at a break-even or loss. Operating a nonprofit food service means all CACFP revenues are restricted for the conduct of the food service operations and are used for allowable costs only.</p> <p>It is not required to have a separate bank account for the CACFP; however, institutions may choose to do so. Institutions, regardless of their banking methods, must establish an accounting system to document income and allowable costs related to the CACFP.</p>

<p>Additional Information and References (continued)</p>	<p>To support labor costs allocated to the CACFP, the following documents are required:</p> <ul style="list-style-type: none"> <li>• Payroll records</li> <li>• Time sheets or Personnel Activity Reports (PARs) for employees working for more than one program</li> <li>• Documentation of employee benefit costs, if applicable</li> </ul> <p>For sponsoring organizations, administrative costs may not exceed 15 percent of reimbursement payments received.</p> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 CFR 226.15(e)(6), (7), (8), (9), and (13); 226.15 (h); and 226.17 (c)</li> <li>• FNS Instruction 796-2, Revision 3</li> <li>• 2 CFR 220, Appendix B</li> <li>• 2 CFR 225, Appendix B</li> <li>• 2 CFR 230, Appendix B</li> </ul>
<p>Compliance Area</p>	<p><b>1000 Training</b></p>
<p>Needed Documents</p>	<p>A. Training documents reflecting the dates, location, names of participants, and CACFP training topics to include, at a minimum:</p> <ul style="list-style-type: none"> <li>• Meal patterns</li> <li>• Meal counts</li> <li>• Claim submission and review procedures</li> <li>• Recordkeeping requirements</li> <li>• Reimbursement system</li> <li>• Civil rights</li> </ul> <p>B. Documents, such as training certification, of participation in the NSD mandatory annual training for the prior or current year as applicable</p>
<p>Additional Information and References</p>	<p>All institutions must conduct staff training on the CACFP duties and responsibilities prior to the beginning of the CACFP operations and on an annual basis.</p> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 CFR 226.15(e)(12) and (14), 226.16(d), 226.19(b)(6), 226.19a (b)(11).</li> <li>• Management Bulletins 04-206 and 05-207</li> </ul>

Compliance Area	1100 Facility Review
Needed Documents	<p>A. Facility Reviews (not applicable to independent centers)</p> <p>Records of facility reviews for the <b>current and prior years</b> reflecting an assessment of the facility's compliance with the CACFP requirements pertaining to:</p> <ul style="list-style-type: none"> <li>• Meal pattern</li> <li>• Licensing or approval</li> <li>• Attendance at training</li> <li>• Meal counts</li> <li>• Menu and meal records</li> <li>• Five-day meal counts reconciliation</li> <li>• Annual updating of the enrollment documents, if applicable</li> <li>• Follow-up to problems noted in the prior review, if applicable</li> </ul> <p>B. Documentation of corrective action for problems noted during facility reviews, if applicable</p> <p>C. Evidence of implementation of a tracking system to ensure adequate facility reviews being conducted as required (applicable to institutions using review averaging only)</p>
Additional Information and References	<p>Facility Reviews — Sponsoring organizations must conduct facility reviews for each facility at least three times in a consecutive 12-month period with intervals no greater than six months unless review averaging is used. Of the three facility reviews in a consecutive 12-month period, two reviews must be unannounced; and one of the unannounced reviews must include a meal observation.</p> <p>Sponsoring organizations must ensure that the timing of unannounced reviews is varied in a way that would ensure they are unpredictable to the facility.</p> <p>If using review averaging, institutions must implement a system to ensure that (1) the total facility reviews in a consecutive 12-month period do not fall below the product of the number of their facilities times three, (2) each facility receive a minimum of two unannounced reviews in a consecutive 12-month period, and (3) no more than nine months elapse between reviews for those facilities that receive only two reviews in a consecutive 12-month period. Review averaging may not be used for facilities with serious deficiencies.</p> <p>New facilities must be reviewed prior to being approved and within the first four-week of CACFP operations.</p> <p>Five-day meal counts reconciliation — When conducting a facility review, institutions must include a five-day reconciliation by comparing the daily meal count with enrollment and attendance records for each meal type claimed to assess the reasonableness of meal counts reported by the facility. Discrepancies discovered upon the reconciliation must be followed up with appropriate action.</p> <ul style="list-style-type: none"> <li>• Actual Claiming Method — Institutions using this claiming method must conduct the five-day reconciliation by participant for a sample of participants, as follows: <ul style="list-style-type: none"> <li>➢ Facilities with enrollment greater than 50 — Sample 10 percent of the enrolled participants.</li> <li>➢ Facilities with 50 or fewer enrolled participants — Sample at least 5 participants.</li> </ul> </li> <li>• Fixed Percentage Claiming Method — Institutions using this claiming method may compare the head count taken at each meal service with enrollment and attendance records.</li> </ul> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 <i>CFR</i> 226.15(d), 226.15(e)(11), and 226.16(d)</li> <li>• Management Bulletins 02-200, 03-219, 05-207, 05-219, 06-208, 06-209, and USDA-CACFP-10-2011</li> </ul>



Compliance Area	<b>1200 Safety and Sanitation</b>
Needed Documents	<p>A. Inspection reports from the Health Department or licensing agency</p> <p>B. Documents of action taken for non-compliance noted in the inspection reports</p>
Additional Information and References	<p>Institutions must ensure their conformation with proper sanitation and safety standards set forth by the state and local regulatory agencies in storing, preparing, and serving food.</p> <p>If food is prepared off the center premises, the preparation source must meet all applicable requirements for commercial food services. A health permit from the local Health Department is required for commercial food services.</p> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 <i>CFR</i> 226.20(l)</li> <li>• <i>California Code of Regulations</i>, Title 22, Division 12, Chapter 1, Article 6, part 101227</li> </ul>
Compliance Area	<b>1300 Civil Rights</b>
Needed Documents	<p>A. Copy of the annual media release and its cover letter reflecting when and where the request for publication was sent (unless the NSD has issued a statewide media release on behalf of all institutions)</p> <p>B. Documents of civil rights complaints received related to the CACFP and action taken, if applicable</p> <p>C. Method to collect the racial/ethnic data on enrolled participants</p> <p>D. Medical Statements for children with disabilities and evidence of meal accommodations in accordance with the medical statements</p>
Additional Information and References	<p>Institutions must follow civil rights requirements.</p> <p>The poster “AND JUSTICE FOR ALL” must be displayed in an area of the facilities and administrative office that is visible to the public.</p> <p>All brochures to the public mentioning meal services must include the non-discrimination statement (refer to “AND JUSTICE FOR ALL” poster for correct language).</p> <p>All media releases issued by institutions except those participating in the At-risk Afterschool Meals must include the income guidelines for free and reduced-price meals.</p> <p>A press release is not required for shelters for battered women. If an institution operates shelters for battered women and other types of shelters, it is not required to include the confidential address of a battered women's shelter in the press release.</p> <p>A copy of the “Medical Statement to Request Special Meals and/or Accommodations” is posted on the CDE Web site at <a href="http://www.cde.ca.gov/ls/nu/cr/documents/medstat.doc">http://www.cde.ca.gov/ls/nu/cr/documents/medstat.doc</a>.</p> <p>References include but are not limited to:</p> <ul style="list-style-type: none"> <li>• 7 <i>CFR</i> 15a and, 15b, and 226.6(b)(1)(iii), and (xviii)(C)(5)(iv), 226.6(b)(2)(vii)(C)(5)(iv), 226.23(d)</li> <li>• Management Bulletin USDA-CNP-03-2008</li> <li>• The USDA Civil Rights page of the CDE Web site</li> <li>• FNS Instruction 113-1</li> </ul>

When a review is completed, the reviewer will issue a summation report detailing the review findings and required corrective action documents, if any. An institution is to take the correct action immediately and submit corrective action documents within the allotted timeframe. Failure to submit corrective action documents to permanently correct program deficiencies may result in the institution being declared seriously deficient and jeopardize its participation in the CACFP.

### **(b) Serious Deficiency Process**

The serious deficiency process has five parts and is summarized in the table at the end of this subsection:

1. Determination of serious deficiency—NSD
2. Corrective action documentation—Institution
3. Termination and disqualification—NSD
4. Appeal—Institution
5. National Disqualified List (NDL)—USDA

Key definitions are as follows:

- **Principal:** An individual who holds a management position within or is an officer of an institution; this includes all members of the board of directors.
- **Disqualified:** An institution, principal, or individual may be disqualified from participation in the CACFP as the result of the serious deficiency process.
- **National Disqualified List:** USDA maintains this national list of institutions, principals, and individuals who are ineligible for program participation.

### ***Determination of Serious Deficiency***

NSD reviewers determine that an institution is seriously deficient based upon the severity and longevity of the compliance issues. The program regulations list the following possible serious deficiencies as they apply to centers:

- Submission of false information on any application or update materials
- Institution or principals are on the National Disqualified List
- Noncompliance with one or more of the three performance standards (see **section 4.6[a]**)
- Noncompliance with bid/procurement requirements; generally, this will apply to the bid requirements for vended meals (see **section 2.2[b]**)
- Inadequate records to document compliance with program requirements

- Vended meals—failure to adjust meal orders from a vendor
- Claiming of meals that were not served
- Claiming of meals that do not meet the meal pattern
- Contracting with a vendor who is not in compliance with local, state, and federal regulations
- Noncompliance with financial or administrative responsibilities
- Ineligibility of an institution or its principals for participation in other publicly funded programs
- Conviction of institution or principals for lack of business integrity
- Improper disbursement of program reimbursement to the centers **(applies only to sponsors of unaffiliated centers)**
- Claiming meals at centers that are ineligible centers **(applies only to for-profit centers; see section 1.2[c])**
- Improper or lack of training or monitoring of centers **(applies only to sponsoring organizations)**

A reviewer will prescribe corrective action with a timeframe that may range from less than 30 days to more than 90 days. Generally, however, most corrective action should be completed and submitted to the NSD within 30 days.

The NSD will inform an institution of its serious deficiency status by means of a serious deficiency notice. The NSD will send the notice to the executive director and chairperson of the board of directors (or the applicable officials for the institution) and responsible principals and individuals, if appropriate. The notice will specify the serious deficiencies, the necessary corrective action, the timeframe for the corrective action, and that the serious deficiency determination is not subject to administrative review. It will also state that if an institution fails to correct the deficiencies within the allotted timeframe, the NSD will propose termination of the institution's agreement and propose disqualification of the institution and its responsible principals. Furthermore, if an institution voluntarily terminates its program agreement without correcting the deficiencies, termination and disqualification will result.

If disqualified, the institution and the applicable officials for the institution will be placed on the NDL for a period of up to seven years.

### ***Corrective Action Documentation***

An institution must submit corrective action documentation (CAD) within the set timeframe to fully and permanently correct the serious deficiencies. Once the CAD is received, the NSD reviewer will examine what has been submitted and determine whether it is complete. If the reviewer approves the CAD, the institution is no longer seriously deficient and is restored to good standing in the program. The NSD will inform the institution of this determination in writing.

If, on the other hand, the reviewer finds the CAD to be unacceptable, the NSD will inform the institution of the intent to terminate and disqualify it from the program.

*Note:* If an institution has a longer corrective action timeframe (60 to 90 days or more), the institution first may be required to submit a corrective action plan that discusses the steps to be taken to implement the required action. In that case, the NSD will evaluate the plan for completeness and later conduct a follow-up visit to ensure that implementation has occurred.

### ***Termination and Disqualification***

Like the notice of serious deficiency, the notice of intent to terminate and disqualify an institution has a set content. The notice must state:

- that the NSD proposes to terminate and disqualify an institution from CACFP participation;
- the basis for the proposed action;
- that if the institution voluntarily terminates its program participation, the NSD will follow through with the termination and disqualification;
- that the institution has the right to appeal the proposed action (and the notice must include the appeal procedures);
- that program payments will continue during the appeal.

### ***Institution Appeal***

An institution may choose not to appeal. In that case, the institution's program agreement will be terminated and the institution will be disqualified from federal food program participation for a period of up to seven years. It also will be placed on the USDA NDL.

If the institution chooses to appeal, the action will have one of two outcomes:

1. The NSD's proposal to terminate and disqualify is sustained, with the institution's program agreement terminated and the institution disqualified from CACFP participation for a period of seven years. The institution will also be placed on the NDL, along with the executive director and board chairperson. Other individuals may be placed on the NDL if such action is warranted.
2. The institution's appeal is successful, whereby the serious deficiency status and the proposed termination and disqualification are temporarily deferred and the institution is restored to good standing in the program.

### ***National Disqualified List***

The last step in the serious deficiency process is the placement of the institution and the executive director and board chairperson on the NDL maintained by the USDA. State agencies are obligated to check the NDL before allowing an institution and its principals to participate in the program.

**Reference:** 7 CFR 226.6(c)(3), 226.6(c)(4), 226.6(k), 226.6(m), 226.23(h);  
Management Bulletin:

02-202 National Disqualified List  
<http://www.cde.ca.gov/ls/nu/cc/mb02202.asp>

## Summary of the Serious Deficiency Process

Serious Deficiency Determination	Corrective Action Documentation	Terminate and Disqualify	Appeals
FSU reviewer determines institution has a SD	NSD may assist institution in preparing CAD	PIU prepares intent to T&D	Institution may choose not to appeal
Reviewer discusses SD with FSU; manager may confer with PIU and CACFPU regarding SD	FSU reviewer examines CAD for completeness	Notice sent to institution and its principals	If institution does not appeal, institution is terminated and disqualified
Reviewer prepares review summation report with CA and timelines ranging from less than 30 to more than 90 days	If approved, institution's SD is temporarily deferred	Notice states proposed action and the right of appeal	PIU informs USDA of termination and disqualification; institution and principals are placed on the NDL
FSU managers, PIU, and CACFPU meet to review and approve summation	If not approved or CAD not sent, FSU notifies PIU to prepare Intent to T&D		If institution appeals and SD is upheld, institution is terminated and disqualified
Reviewer presents summation report to institution at exit conference			NSD informs USDA of termination/ disqualification; institution and principals are placed on the NDL
After exit conference, reviewer transmits original summation to manager			If appeal is upheld, intent to T&D is temporarily deferred
FSU prepares and mails SD notice to institution's responsible principals			USDA informed of reversal; institution restored to good standing in program

### Definitions:

FSU: Field Services Unit, NSD  
SD: Serious deficiency  
CAD: Corrective action documentation  
T&D: Terminate and disqualify

CACFPU: CACFP Unit, NSD  
PIU: Program Integrity Unit, NSD  
NDL: National Disqualified List  
CA: Corrective action

# **Section 4**

## **Management Bulletins**

<b>NUTRITION SERVICES DIVISION MANAGEMENT BULLETIN</b>		<b>No. 02-200</b>
<b>TO:</b>	Public and Private Sponsoring Organizations Participating in the Child and Adult Care Food Program	<b>ISSUE DATE:</b> February 2002
<b>ATTENTION:</b>	Agency Directors	
<b>SUBJECT:</b>	Monitoring Requirements Revised	
<b>REFERENCE:</b>	United States Department of Agriculture CACFP APB: CAC-02-07 and 7 CFR 226.16 (b) (4)	

This Management Bulletin (MB) clarifies information provided in MB 01-210, issued in August 2001. MB 01-210 states that a sponsoring organization must complete the required number of monitoring visits to its child care centers or day care homes within a fiscal year, which is defined as the period between October 1 and September 30.

Effective immediately, a year shall be defined as a consecutive twelve-month period, which may or may not coincide with a fiscal year. Consequently, a sponsor must monitor its program sites the required number of times within a consecutive twelve-month period, which may vary according to the program start dates of the sites. For example, if a center or home begins participation on May 1, the sponsor must complete the requisite monitoring visits to the site within the twelve-month period between May 1 and April 30.



<b>NUTRITION SERVICES DIVISION MANAGEMENT BULLETIN</b>		<b>No. 02-202</b>
<b>TO:</b>	Child and Adult Care Food Program Sponsors	<b>ISSUE DATE:</b> May 2002
<b>ATTENTION:</b>	Food Program Director	
<b>SUBJECT:</b>	National Disqualified List	
<b>REFERENCE:</b>	United States Department of Agriculture CACFP Policy Memo 01-20	

This Management Bulletin provides the requirements for reporting seriously deficient Child and Adult Care Food Program (CACFP) agencies (independent centers and sponsoring organizations), family day care homes, and individuals to the United States Department of Agriculture (USDA) for placement on the National Disqualified List.

When CACFP serious deficiencies are not corrected, we will declare the agency, home, or individual seriously deficient and move to terminate its participation in the CACFP. When termination action is complete, we will report the agency, home, or individual to USDA for placement on the National Disqualified List.

The same process will be followed if an agency, home, or individual self-terminates before correcting its serious deficiencies. The notification to USDA must include:

- Business name of the agency, home, or individual;
- Name of the person who signed the agreement and anyone else whose involvement warrants inclusion on the list;
- Address of the agency, home, or individual;
- Termination or self-termination date; and
- Reason(s) for termination or, if self-terminated, uncorrected serious deficiencies.

If an agency or home has been identified as seriously deficient by USDA or the California Department of Education (CDE) and the agency or home is terminated or self-terminates before correcting its serious deficiencies, the sponsor must immediately report the above information to CDE.



<b>To:</b>	Child and Adult Care Food Program Sponsors	<b>Number:</b>	04-206
<b>Attention:</b>	Food Program Director	<b>Date:</b>	June 2004
<b>Subject:</b>	Mandatory Institution Attendance at State Agency (SA) Child and Adult Care Food Program (CACFP) Training		
<b>Reference:</b>	United States Department of Agriculture CACFP Policy Memo 04-03 and Title 7, Code of Federal Regulations, Part 226.6(a).		

This Management Bulletin provides guidance from the United States Department of Agriculture that requires sponsors participating in Child and Adult Care Food Programs to attend state agency-provided integrity training as required by Title 7 of the Code of Federal Regulations, Part 226.6(a).

As appropriate, please share this information with your agency management and business personnel.



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<b>To:</b>	Child and Adult Care Food Program Sponsors	<b>Number:</b>	05-207
<b>Attention:</b>	Food Program Director	<b>Date:</b>	May 2005
<b>Subject:</b>	Training and Monitoring		
<b>Reference:</b>	Child and Adult Care Food Program (CACFP) Second Interim Rule: Title 7, <i>Code of Federal Regulations</i> , Part 226, Sections 6(m)(3)(viii), 15(e)(12) and 15(e)(14), 16(d)(2), 16(d)(3), and 16(d)(4)(i)(C), 18(b)(2), 19(b)(6), and 19a(b)(11) for Training; Sections 15(e)(4) and 16(d)(4) for Monitoring. The U.S. Department of Agriculture CACFP Policy Memo 05-03, Second Interim Rule Guidance.		

This Management Bulletin clarifies current program requirements and transmits new requirements for the training of program staff and the monitoring of sponsored facilities. The training requirements apply to all CACFP institutions, whereas the monitoring requirements apply only to CACFP sponsoring organizations (sponsors).

## **TRAINING**

The training requirement has three parts: (1) new sites; (2) annual training by institutions; and (3) annual training by state agencies.

### **1. New Sites**

A CACFP institution must train the program staff of a new site (whether the site is a child or adult care center or a family day care home) in the duties and responsibilities of the CACFP prior to the site's participation in the program. Such training must include record keeping requirements, claim reimbursement procedures, the meal pattern, and monitoring requirements as applicable.

### **2. Annual Training by Institutions**

A CACFP institution (sponsors, child care centers, adult day care centers, and family day care homes) must train program staff on the CACFP requirements on an annual basis. The training, whether on selected topics or a general overview, should be appropriate to the experience and duties of the staff.

### **3. Annual Training by the Nutrition Services Division (NSD)**

Appropriate staff from all CACFP institutions must attend the NSD's annual training on the CACFP. Please refer to Management Bulletin 04-206 regarding mandatory attendance at NSD training.

## MONITORING

The monitoring requirement applies only to **sponsors** of centers, homes, or both. A “*sponsor*” is defined as an institution that administers the CACFP on behalf of one or more day care homes or two or more centers that have separate physical locations. The term “*center*” encompasses child care centers, adult day care centers, outside-school-hours centers, at-risk centers, and emergency shelters. (These centers may be owned and operated by the institution or legally and administratively separate from the sponsor except for the operation of the program.) The term “*site*” applies to both homes and centers approved to participate in the CACFP.

### 1. Requirements

A sponsor must review program operations at each of its sponsored sites at least three times per year (see Review Averaging on page 3). A year is defined as a consecutive twelve-month period that may or may not coincide with the program year of October 1 to September 30. To meet the review requirements, a sponsor must:

- Conduct at least two of the three visits unannounced.
- Ensure that at least one of the unannounced visits includes a meal observation.
- Review all new sites during the first four weeks of their program operation.
- Ensure that no more than six months elapse between visits to each of the sites. (See Review Averaging on page 3 for exceptions).

**NOTE:** Sponsors must inform sites (both centers and homes) that unannounced visits are allowable. Furthermore, sponsor, state, and federal representatives may only conduct an unannounced visit to a site during the site’s normal hours of operation and must show photo identification that confirms their employment with the sponsor or the governmental agency.

The Second Interim Rule explicitly states that a sponsor must assess the site’s compliance with the following basic program requirements during each site review:

- Meal pattern
- Licensing
- Meal counts
- Menus and menu records
- Attendance at training (see above)
- Enrollment records (see Management Bulletin 05-205)

In addition, the Second Interim Rule introduces a new review element, the reconciliation of meal counts. A sponsor must reconcile the meal counts at each of its sites for five consecutive days during a current or prior claim month. To do so, a sponsor must use enrollment and attendance records to determine the number of participants in care during each claimed meal service and match those numbers against the claimed breakfasts, lunches, snacks, and suppers in order to ascertain whether the meal counts

are accurate or in error. Meal count errors may be grounds for an over-claim and even a declaration of serious deficiency.

Please refer to Management Bulletin 05-205 for a discussion of the new enrollment information requirements for child care centers and homes.

## **2. Follow-up Reviews**

If a sponsor uncovers one or more serious deficiencies during a site review, the next visit to the site must be unannounced. Please observe the guidelines for unannounced visits outlined above. Sponsors of day care homes must follow the serious deficiency process found in Management Bulletin 05-208 in order to declare the day care home provider seriously deficient.

## **3. Review Averaging**

The Second Interim Rule permits sponsors to conduct what is termed “review averaging” in meeting their monitoring requirements. If a sponsor conducts two unannounced visits to one of its sites and finds no serious deficiencies, the sponsor may skip the third visit to the site, provided that it averages three reviews per year for all of its sites, meaning that a sponsor may visit certain sites more than three times a year. If a site is monitored only twice during a review year (per review averaging), the sponsor’s first review of the site in the next review year must occur within nine months of the last review in the prior year. For example, if the sponsor’s last review in the prior year occurred in February, the first review of the site in the next review year must take place by November.



California Department of  
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**MANAGEMENT  
BULLETIN**

<b>To:</b>	Child and Adult Care Food Program Sponsors of Child and Adult Care Centers	<b>Number:</b>	05-219
<b>Attention:</b>	Food Program Director	<b>Date:</b>	December 2005
<b>Subject:</b>	Second Interim Rule: Five-Day Meal Count Reconciliation		
<b>Reference:</b>	United States Department of Agriculture, Food and Nutrition Service, CACFP Policy Memo 05-15, September 27, 2005		

The United States Department of Agriculture (USDA) has issued guidance on the required five-day meal count reconciliation that is directed to sponsors of child care centers, adult day care centers, outside-school-hours centers, afterschool snack programs, and emergency shelters.

The guidance has six questions and answers, with Question No. 2 providing the basics for conducting a meal count reconciliation. Sponsors must perform the meal count reconciliation during the site monitoring visits to their sponsored facilities.

**1. When must five-day reconciliations be conducted?**

Answer: In accordance with the *Title 7 Code of Federal Regulations (7 CFR)* sections 226.16(d)(4)(i) and (ii), a reconciliation of meal counts for five consecutive days must be included as a part of each facility monitoring review (i.e., each review of a sponsored center or a day care home (DCH) conducted by a sponsor). In addition, whenever a state agency (SA) conducts a facility review as part of its administrative review of a sponsoring organization, each facility review must include a five-day reconciliation, in accordance with 7 CFR Section 226.6(m)(4). Although 7 CFR Section 226.6(m)(3)(ii) requires SA reviews of independent centers to include an assessment of the center's meal counting practices, the regulation does **not** require the SA to conduct five-day reconciliations in independent centers. (See Question # 5, below, regarding sponsored emergency shelters and at-risk snack programs.)

**2. How should a SA or sponsor monitor conduct a five-day reconciliation in a sponsored center that is reimbursed on a blended rate or a claiming percentage?**

Answer: Since participant-specific reconciliations are usually not possible when the center is reimbursed on a blended rate or a claiming percentage, the **aggregate (or total) daily meal count** for each meal type must be compared to attendance and enrollment records. The following describes the process for conducting a five-day reconciliation of a sponsored center, whether the review is being conducted by the SA or by the center's sponsor.

Before conducting the actual reconciliation, the reviewer must take two preliminary steps:

- Evaluate the center's enrollment and attendance records to ensure that they are current and accurate.

- Compare the center's total meal counts to its licensed capacity. In accordance with 7 *CFR* sections 226.17(b)(4) and 226.18(e), meal counts for any day or any shift (if shift care is provided) should never exceed licensed capacity.

The reviewer is now ready to perform the actual five-day reconciliation.

The reviewer should start by comparing the center's total enrollment to its recorded daily attendance, to ensure that the number of children in attendance does not exceed the number of children enrolled. If attendance **does** exceed enrollment, for any day or for any shift (if shift care is provided), the reviewer must determine the source of the error (e.g., inaccurate attendance records, missing enrollment forms) before a five-day reconciliation can be completed.

Next, the reviewer will compare the center's total attendance to its meal counts, for any day or any shift (if shift care is provided). The reviewer will look at five consecutive days of aggregate meal counts for each approved meal type, to ensure that meal counts do not exceed the number of participants in attendance on any day, or for any shift.

Finally, if meal counts and attendance cannot be reconciled, the regulations at 7 *CFR* Section 226.16(d)(4)(ii) require the reviewer to "determine whether the establishment of an overclaim is necessary."

3. **What if the sponsored center is reimbursed on actual daily meal counts by participant? Does the reviewer reconcile enrollment, attendance, and meal counts by participant, as in a DCH, or does the monitor use aggregate data, as in a sponsored center that used a blended rate or claiming percentage?**

Answer: In this case, the reviewer would reconcile meal counts to attendance and enrollment **by participant**, just as they would in a DCH.

However, to make the workload more manageable, reviewers may base their reconciliation on a random sample of the children for the five-day period. The random sample must equal at least 10 percent of the number of children enrolled, with a minimum of five children's records being reconciled in sponsored centers with 50 or fewer enrolled children.

This sample is not intended to be statistically valid, nor can it be used as a basis for calculating an overclaim for meals served to children whose records were not sampled for the reconciliation. Rather, the sample described is a management tool designed to quickly determine whether the center has a problem with its meal counting and claiming procedures.

4. **Are meal counts reconciled with enrollment forms, attendance data, or both?**

Answer: The final rule will clarify that, in all five-day reconciliations conducted by SAs or sponsors, meal counts must be compared to **both enrollment and attendance records**, whenever those records are available, as described in Question # 2, above. (See also Question # 5, below, regarding sponsored emergency shelters and at-risk snack programs.)

5. **What if there are no enrollment forms or attendance records on file? How should a five-day reconciliation be conducted?**

Answer: If there are **no enrollment forms** required (as in at-risk programs, and in some shelters and outside-school-hours programs), the reviewer would reconcile meal counts to attendance records.

If there are **no enrollment or attendance records** (as in some emergency shelters), the monitor would conduct a more general review of the facility's meal counting and claiming procedures that would **not** include a five-day reconciliation.

6. **7 CFR Section 226.16(d)(4)(ii) states that the five-day reconciliation must be done “during the current and/or prior claiming period.” Does this limit the five-day reconciliation to the current or previous claiming period?**

Answer: As implied by the regulatory language, we expect that five-day reconciliations will usually involve records from the current or previous month (or, for reviews conducted early in a month, perhaps some combination of days from the current and previous months). This will facilitate parent contacts, should those prove necessary.

However, if there are circumstances that warrant the reviewer examining a five-day period from an earlier month (e.g., there are indications of an inaccurate meal count in an earlier month, but not in the current or previous month), the regulatory language should not be construed to prohibit the monitor from looking at an earlier month's records.





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<b>To:</b>	Child and Adult Care Food Program Sponsors	<b>Number:</b>	06-208
<b>Attention:</b>	Food Program Director	<b>Date:</b>	March 2006
<b>Subject:</b>	Sponsor Monitoring of Facilities in the Child and Adult Care Food Program		
<b>Reference:</b>	United States Department of Agriculture CACFP Memorandum #02-2006, Western Region Policy Memo CAC 06-03		

This Management Bulletin provides guidance from the United States Department of Agriculture on Sponsor Monitoring of Facilities in the Child and Adult Care Food Program (CACFP). Please share the attached information with staff responsible for administering the CACFP.

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**United States Department of Agriculture**

Food and Nutrition Service  
3101 Park Center Drive  
Alexandria, VA 22302

**SUBJECT:** CACFP Memorandum # 02-2006: Sponsor Monitoring of Facilities in the Child and Adult Care Food Program (CACFP)

**TO:** State Agencies Administering CACFP (All States); Regional Directors (All Regions)

It has come to our attention that there is some uncertainty regarding proper application of the monitoring requirements for sponsoring organizations set forth at § 226.16(d) of the CACFP regulations. Specifically, we have been asked to clarify whether the regulations require that, when sponsors have facilities claiming breakfasts, suppers, post-supper snacks, or weekend meals, it is necessary for the sponsor to monitor each of these meal services. This memorandum provides guidance on that issue.

The introductory paragraph of § 226.16(d) states that, "Each sponsoring organization must provide adequate supervisory and operational personnel for the effective management and monitoring of the program at all facilities it sponsors." In order to meet this requirement, a sponsoring organization with facilities claiming breakfasts, suppers, post-supper snacks, or weekend meals must provide oversight of all types of meal services being claimed by its facilities. Monitoring all meal service types is the only meaningful way for sponsors to ensure that Program requirements are being met, and that their facilities are accurately claiming meals for each type of meal service they provide.

It is important to clarify that the requirement to "monitor all meal service types" does not require a sponsor to annually conduct reviews of all of the meal services being claimed at each facility. As long as, in the total of all reviews it conducts, the sponsor provides oversight of all meal services being claimed, the sponsor has met its responsibilities.

It is also important to clarify that the phrase “oversight of all types of meal services” does not require a sponsor to conduct the same percentage of reviews during the various meal services as the percentage of each meal service claimed during the previous year. That is, if five (5) percent of the meals claimed in the prior year by a sponsor of 500 homes were suppers, it would not be necessary for the sponsor to conduct exactly 5 percent of this year’s reviews during the supper meal service. However, the percentage of all reviews conducted by the sponsor should be roughly proportional to the percentage of each type of meal being claimed by its facilities. In addition to conducting full, onsite facility reviews, a sponsor might also provide oversight by conducting more household contacts in facilities serving breakfasts, suppers, or weekend meals, in order to have parents verify their children’s attendance at these meal services.

Finally, it is important to emphasize that a facility review conducted during the indicated meal service time for breakfast, supper, or a weekend meal need not always include the actual observation of a meal service. For example, if the provider was scheduled to serve supper between 6:00 PM and 7:30 PM, the monitor could arrive at 5:45 PM and complete her review of the provider’s records by 6:30 PM. Regardless of whether the monitor observed the actual service of supper, she would know whether the usual number of children being claimed for supper was present at 5:45 PM and at 6:30 PM. Thus, the sponsor can decide whether it wishes to use these reviews to meet the regulatory requirement that, for each facility, at least one review each year must be an unannounced review of a meal service.

To assess a sponsor’s compliance with these requirements, a State agency (SA) must, during its review of a sponsor, determine whether the sponsor has made a reasonable effort to monitor all of the meal services being claimed by its facilities. For SAs, as for sponsors, conducting household contacts in sampled facilities claiming suppers or breakfasts might be an especially effective way to determine whether a facility is accurately reporting its meal counts for each meal service. If the SA determines that the sponsor has failed to manage and monitor all Program operations, it would be a serious deficiency under § 226.6(c)(3)(ii)(C) and (O). The SA might also wish to supplement these onsite review efforts with a requirement that sponsors address in the management plan their approach to ensuring that all types of meal services being claimed for Program reimbursement by its facilities will be adequately monitored.



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<b>To:</b>	Child and Adult Care Food Program Sponsors	<b>Number:</b>	06-209
<b>Attention:</b>	Food Program Director	<b>Date:</b>	May 2006
<b>Subject:</b>	Facility Review Averaging		
<b>Reference:</b>	Child and Adult Care Food Program (CACFP) Second Interim Rule: Title 7, <i>Code of Federal Regulations</i> , Section 226.16(d)(4)(iv), Revised January 1, 2005.		

This Management Bulletin provides direction to sponsoring organizations for implementing facility review averaging. Sponsoring organizations must review each sponsored facility three times every year. The Second Interim Rule permits sponsors to conduct what is termed “review averaging” in meeting their monitoring requirements.

The review averaging requirements are:

1. If a sponsor conducts two unannounced reviews (one review during a meal service) of a facility in a year and finds no serious deficiencies, the sponsor may choose not to conduct a third review that year, provided that the sponsor conducts an average of three reviews of **all** of its facilities that year.
2. When the sponsor uses this averaging provision, and a specific facility receives two reviews in one review year, its first review in the next year must occur no more than nine months after the previous review.
3. Sponsors may not review a facility fewer than three times per year if the facility has submitted a block claim during the year.

The United States Department of Agriculture provided guidance for sponsoring organizations to assist them in their implementation of review averaging. Specifically, prior to implementing review averaging, sponsors are required to develop a written Review Averaging Plan that includes a Profile Chart and a Review Plan as follows:

### 1) Profile Chart

The Profile Chart needs to include the following information:

- The fiscal year;  
All sponsored facilities by name or some other indicator;
- The sponsored facility’s start date with the sponsor;
- If the facilities have been with the sponsor less than 12 months;
- If the facilities have been with the sponsor more than 12 months, but less than 24 months;
- Date of serious deficiency, if applicable; and,
- Other comments, such as minor problems, many problems, etc.

## **2) Review Plan**

The Review Plan needs to include the following information:

- The fiscal year;
- All sponsored facilities by name or some other indicator;
- The months of the year;
- Announced reviews;
- Unannounced reviews with no meal service;
- Unannounced reviews with meal service;
- Total number of reviews by month;
- Total number of reviews year to date;
- Total number of unannounced reviews;
- Total number of unannounced reviews with no meal service; and,
- Total number of unannounced reviews with meal service.

Sponsors are required to revise review plans as needed to ensure regulatory requirements are met. Completed Review Averaging Plans must be made available for State reviews.



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<input checked="" type="checkbox"/> <b>POLICY</b>		<input checked="" type="checkbox"/> <b>ACTION REQUIRED</b>	<input type="checkbox"/> <b>BENEFICIAL INFORMATION</b>
<b>To:</b>	Child and Adult Care Food Program Sponsors of Child Care Centers and Day Care Homes	<b>Number:</b> NSD-CACFP-02-2007	
<b>Attention:</b>	Food Program Director	<b>Date:</b> February 2007	
<b>Subject:</b>	Second Interim Rule: Household Contacts		
<b>Reference:</b>	United States Department of Agriculture, Second Interim Rule, Title 7, <i>Code of Federal Regulations</i> , Parts 226.2, 226.6(m)(5), and 226.16(d)(5)		

This Management Bulletin (MB) provides federal guidelines for a sponsor of day care homes or child care centers regarding the requirement to make household contacts in order to verify the enrollment and attendance of the children in care and the specific meals that are routinely served to them. Federal regulations (the Second Interim Rule) require that the Nutrition Services Division (NSD) of the California Department of Education provide sponsors a process for making household contacts that will be used by both the state agency and the sponsoring organizations.

The NSD first introduced a household contact procedure for sponsors of day care homes in September 1985 as a means of improving program integrity within the Child and Adult Care Food Program (CACFP). This MB reiterates that guidance and extends it to all sponsoring organizations. Accordingly, all child care center and day care home sponsors must contact the households of enrolled children if a provider or center:

- Claims a greater number of children at any meal than the number of children enrolled or in attendance.
- Claims weekend or holiday meals when such meals are not substantiated by enrollment or attendance records.
- Reports uniform meal counts on a consistent basis. While the meal counts may not always rise to the level of block claiming, they nevertheless raise suspicions about the provider's or center's claiming practices.
- Claims his/her own children (which is permissible) when only the provider's children or one outside child is present (Day Care Home Sponsors only).

- Reports that one or more of the same children are never absent from care.
- Records a consistently high number of children in attendance; however, the monitoring visits do not verify the high attendance figures, instead showing fewer children in care than is consistently reported.

A sponsor may contact the household either by telephone or in writing. Recent changes in federal regulations now require that the household contact letter include specific information on how to contact NSD (as the state agency). We recommend the following statement be added to your letter to households:

*The Child and Adult Care Food Program is administered in California by the Community Nutrition Programs Unit, Nutrition Services Division, California Department of Education located at 1430 N Street, Suite 1500, Sacramento, California 95814. The toll free number is (800) 952-5609.*

Sponsors are reminded to maintain documentation of all household contacts to verify compliance with this regulation.

NOTE: The requirement for household contacts does not apply to adult care centers, emergency shelters, afterschool centers, or outside-school-hours centers.



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**MANAGEMENT BULLETIN**

☒ **POLICY**

☐ **ACTION REQUIRED**

☒ **BENEFICIAL INFORMATION**

<b>To:</b>	Child and Adult Care Food Program	<b>Number:</b>	NSD-CACFP-07-2011
<b>Attention:</b>	Food Program Director	<b>Date:</b>	September 2011
<b>Subject:</b>	Definition of Excess Fund Balance in Nonprofit Food Service Programs		
<b>Reference:</b>	Title 7, <i>Code of Federal Regulations</i> Part 226.7(g); United States Department of Agriculture Food and Nutrition Service Instruction 796-2, Revision 3 part VI (D)		

This Management Bulletin (MB) defines the amount that constitutes an excessive balance in nonprofit food service program funds, and provides institutions with guidance to reduce their excess funds.

## Background

Pursuant to Title 7, *Code of Federal Regulations* (7 *CFR*) Part 226.7(g), the California Department of Education, Nutrition Services Division (NSD) is required to evaluate the budgets of all institutions participating in the Child and Adult Care Food Program (CACFP). These budgets must demonstrate that the institution is managing CACFP funds according to the requirements of 7 *CFR* parts 226, 3015, 3016, and 3019, and the U.S. Department of Agriculture, Food and Nutrition Service (FNS) Instruction 796-2, Revision 3.

As part of the requirements defined in FNS Instruction 796-2, Revision 3, the NSD must “determine what constitutes an excessive nonprofit food service program balance and the corrective actions an institution must take to reduce an excess balance.”

## Definition of Excess Balance

The NSD defines an excessive nonprofit food service program fund balance as an amount that exceeds three months average expenses for the food service program. If an institution’s accounting system shows a profit for the food service program, that profit cannot at any time be greater than three months average expenses.

If an institution’s profit does exceed this excess balance threshold, the institution must develop a corrective action plan for proper use of excess funds. Pursuant to FNS Instruction 796-2, Revision 3, excess funds must be used to benefit program participants through improvement or expansion of the nonprofit food service program.

## Corrective Action Options

The following are examples of acceptable methods to increase expenditures and reduce an institution’s excess fund balance:

- Fund CACFP related nutrition education training for staff members, e.g., the annual Child Care Food Program (CCFP) Roundtable Conference or other CCFP Roundtable sponsored nutrition education trainings
- Improve kitchen facilities and equipment
- Expand menus to include a larger variety of foods including the amount and variety of whole grains and fresh vegetables and fruits

If you have any questions regarding this MB, please contact the CACFP specialist assigned to your agency in the Child Nutrition Information Payment System (CNIPS). You will find a list of contact information for specialists in the Download Forms section of the CNIPS. You can also contact the Help Desk at 800-952-5609, option 6.





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Management Bulletin**

☒ **POLICY**

☒ **ACTION REQUIRED**

☒ **BENEFICIAL INFORMATION**

<b>To:</b>	Child and Adult Care Food Program Sponsoring Organizations	<b>Number:</b>	USDA-CACFP-10-2011
<b>Attention:</b>	Food Program Director	<b>Date:</b>	May 2011
<b>Subject:</b>	Varied Timing of Unannounced Reviews in the Child and Adult Care Food Program		
<b>Reference:</b>	United States Department of Agriculture Policy Memo CACFP 16-2011; Title 7, <i>Code of Federal Regulations</i> parts 226.16(d)(4)(iii))		

This Management Bulletin provides guidance on the modification of requirements pertaining to sponsoring organization (sponsors of centers and family day care homes) facility reviews in the Child and Adult Care Food Program (CACFP).

Previous regulations required sponsoring organizations to conduct three reviews per year, two of which must be unannounced. New regulations now require sponsoring organizations to vary the timing of unannounced reviews to ensure they are unpredictable to the facility.

### **Background**

Unannounced reviews are an effective tool in ensuring program integrity. They give sponsors the opportunity to document how the facility operates on any given day and to offer technical assistance. In addition, they offer a first-hand opportunity to detect and identify areas of mismanagement, such as inaccurate meal counts, problems with recordkeeping, menu and enrollment discrepancies, and they allow sponsors to initiate immediate corrective action.

However, unannounced reviews that follow a consistent pattern (for example, unannounced reviews that always occur during the third week of January, the third week of May, and the third week of September, or reviews that never occur during the first week of the month when claims are processed) undermine the intent of the program's unannounced review requirements. Sponsors are less likely to uncover management deficiencies and program abuse if facilities anticipate when their "unannounced" sponsor review is due to occur.

### **Modification**

President Obama signed the Healthy, Hunger-Free Kids Act of 2010 (Act) on December 13, 2010. The Act requires that sponsoring organizations vary the timing of unannounced reviews so they are unpredictable to sponsored facilities.

The NSD will begin evaluating the timing of unannounced sponsor reviews during upcoming CACFP administrative reviews.

# **Section 4**

## **Forms**

**CACFP  
STAFF TRAINING REPORT**

AGENCY:	DATE:
DESCRIPTION OF TRAINING CONDUCTED:	
PARTICIPANT NAMES	SITE

## Center Monitoring Review Report

<b>Center:</b>				<b>Date:</b>		<b>Arrival time:</b>		<b>Departure time:</b>		<input type="checkbox"/> <b>Announced</b> <input type="checkbox"/> <b>Unannounced</b>		
<b>MEAL OBSERVATION</b>												
Meal observed:				Time:		License capacity:		Today's meal count:				
Today's attendance:		0-1 Yr:		1-2 Yr:		3-5 Yr:		6-12 Yr:		Adults:		
<b>5-day reconciliation</b>		<b>1<sup>st</sup> Day</b>	<b>2<sup>nd</sup> Day</b>	<b>3<sup>rd</sup> Day</b>	<b>4<sup>th</sup> Day</b>	<b>5<sup>th</sup> Day</b>	Menu and specific foods used (record all food items served) (list infant meals on a separate page, if applicable)			Serving size		
<b>Meal type claimed</b>		Date:	Date:	Date:	Date:	Date:						<b>Five day average</b>
<b>Meal count by type</b>	Breakfast							Milk:				
	A.M. Snack							Veg/fruit:				
	Lunch							Veg/fruit:				
	P.M. Snack							Grains/breads:				
	Supper							Grains/breads:				
	Evening Snack							Meat/alternate:				
<b>Enrollment</b>								Meat/alternate:				
<b>Attendance</b>								Other:				
										<b>Yes</b>	<b>No</b>	<b>N/A</b>
1. Does the menu as served meet CACFP requirements?												
2. Is enough food served or available to each child with required portions?												
3. If family style service is used, is each child encouraged to take at least some of each food?												
4. Does the written menu match what was served today?												
5. Are parent requests or medical statements on file for children requesting dietary accommodations?												
6. If non-dairy beverages are offered for non-disabled children, are they nutritionally equivalent to milk?												
7. Are dietary accommodations for children with disabilities followed as prescribed in the medical statement?												
8. Is drinking water available to children throughout the day, including meal times?												
9. Is the infant meal pattern being followed correctly and documented for all infants?												
10. Do all children receive the same meal regardless of race, color, national origin, sex, age, or disability?												
11. Is a menu production record or transport record completed for all meals prepared?												
12. Are all meals consumed on facility/under staff supervision?												
13. Are the number and ages of children in care in compliance with current license and child/staff ratio?												
14. If enrollment exceeds licensed capacity, are shifts of care documented?												
15. Are enrollment documents for all children participating in CACFP current (updated annually)?												
16. Are meal counts taken and recorded at the time of each meal service?												
17. Do enrollment and attendance support the meal counts for the previous five days?												
18. Do the meal counts for the previous five days appear reasonable when compared to today's counts?												
19. Is a civil rights poster placed in a prominent location at this facility?												
20. Is this facility safe and sanitary?												
21. Has staff attended the training sessions on the CACFP for the current program year?												
22. Were there problems noted in the prior site review?												
If yes, have problems noted in the prior review been corrected? If no, describe on page 2 the repeated findings and action to be taken (a follow-up review should be conducted within 60 days).												
23. Does this visit indicate that training is necessary at this facility?												
If training is needed, state when and how it will be provided:												
Facility appears to be in compliance (any "No" response requires corrective action and follow-up within 60 days)												
<b>Corrective actions required</b> (describe on page 2)												
<b>Submit corrective action by:</b>												

<b>Summary of Findings and Recommended Corrective Action:</b>

<b>Corrective Action Taken and Date Completed:</b>

<b>Monitor Signature</b>	<b>Center Official Signature</b>
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NOTE: The monitor must complete and leave a copy of this report with the center.

## **Section 5: Special Program Components—Child Care Centers Only**

The CACFP has two components that are outside of the program mainstream of licensed child care centers: at-risk, afterschool centers and emergency shelters.

### **5.1 At-Risk, Afterschool Centers**

The afterschool portion of the CACFP was authorized by the federal Child Nutrition Reauthorization Act of 1998 in recognition of the need for afterschool programs to provide nutritious foods to the children in care, particularly because many of the children may be at-risk. As a result, children through the age of 18 years are eligible. The federal Healthy, Hunger-Free Kids Act of 2010 expanded this program to allow one meal (typically supper) to be claimed per child per day, in addition to the allowable snack.

#### **(a) Qualifications**

An afterschool center qualifies for participation in the CACFP if it:

- is area eligible—the center must be located within the attendance area of a school in which at least 50 percent of the children are eligible for free or reduced-price school meals. Area eligibility is valid for five years and must be recertified every five years.
- provides educational and enrichment activities—at-risk, afterschool centers must provide educational and enrichment activities to the participants in care. A wide range of activities may meet this requirement (e.g., tutoring, homework help, or structured learning activities).

Area eligibility data is available on the CDE Student Poverty – FRPM Data Web page at <http://www.cde.ca.gov/ds/sd/sd/filespp.asp>.

#### **(b) Recordkeeping**

The recordkeeping requirements for the at-risk, afterschool portion of the CACFP are considerably less than for the regular program.

- Licensure: Afterschool care centers must have appropriate licensure (if required) to operate.
- Attendance: A roster or sign-in/out sheet of those children in attendance must be maintained.
- Meal counts: Daily meal counts need to be taken at the point of service, with a maximum of one snack and one meal per child per day.

- Eligibility: All children may be claimed for the free reimbursement rate, because the center is area eligible. No MBFs are needed.
- Menus: The daily menus must meet the CACFP meal pattern (see **section 2.1[a]**). No menu production records are needed; however, it is recommended that institutions include individual portion sizes on the menus.
- Reimbursement claim: A monthly reimbursement claim must be filed with the CDE via the CNIPS. Institutions may, but are not required to, print and keep a copy of the claim in their files (see **section 3.4**).
- Monitoring: A sponsor of two or more afterschool centers must monitor each center at least three times per year. The visits must be documented (see **section 4.4**).
- Institutions operating as center sponsors of at-risk, afterschool care centers must comply with the Edit Check requirements defined in **section 3.4(e)**.

### **(c) Restrictions**

At-risk, afterschool centers may claim meals served after school, on weekends, or on holidays (for example, spring break) during the regular school year. An at-risk, afterschool center may not claim meals during the summer months when school is not in session, unless it is located in the attendance area of a year-round school and serves children from the year-round school.

**Reference:** 7 *CFR* 226.17a; Management Bulletins:

- 99-203 Child Nutrition Reauthorization Act of 1998  
<http://www.cde.ca.gov/ls/nu/cc/mb99203.asp>
- USDA-CACFP-02-2011 Expansion of At-Risk Afterschool Meals in the Child and Adult Care Food Program  
<http://www.cde.ca.gov/ls/nu/cc/mbusdacacfp022011.asp>

## 5.2 Emergency/Homeless Shelters

The Child Nutrition Reauthorization Act of 1998 permitted the participation of emergency/homeless shelters in the CACFP. An emergency shelter is defined as a public or private nonprofit organization that provides temporary shelter and food services to homeless children and their parents or guardians. The shelter may provide daytime services only, or it may provide overnight accommodations.

### **(a) Age and Participant Eligibility**

A shelter may serve and claim up to three meals per child per day while the child is a resident at the shelter. The child may be from age 0 (less than one year old) through eighteen years. In addition, a shelter may claim meal reimbursement for residents of any age who have mental or physical disabilities, provided that the shelter serves a majority of residents who are eighteen years of age or younger.

### **(b) Recordkeeping**

Similar to an afterschool center, an emergency/homeless shelter must keep a minimum of records.

- **Eligibility:** A child or eligible disabled adult participant who is certified as homeless by the shelter is automatically eligible for free meal reimbursement. No MBFs are needed.
- **Menus:** The daily menus must meet the CACFP meal pattern (see **section 2.1[a]**). No menu production records are needed; however, it is recommended that institutions include individual portion sizes on the menus.
- **Attendance roster:** A shelter must maintain a daily roster of the children and eligible disabled adults in attendance. A sample form is posted on the CACFP Forms page of the CDE Web site: <http://www.cde.ca.gov/ls/nu/cc/fm.asp>
- **Meal counts:** A shelter must record, on a daily basis, the meals that are served and claimed. The sample form referenced above serves as both a daily roster and a daily meal count sheet, with the claimed meals recorded per the children in attendance.



- Adults with disabilities: As noted above, shelter residents with disabilities may be claimed for meal reimbursement as long as the majority of shelter residents are eighteen years of age or younger. A sample form for documenting adults with disabilities may be found on the CACFP Forms page of the CDE Web site: <http://www.cde.ca.gov/ls/nu/cc/fm.asp>

### **(c) Certifications**

A shelter must have the proper health and safety certifications and clearances from the appropriate local governmental agencies, such as the city or county health department. For agencies located on Indian Reservations, these certifications are provided by Indian Health Services.

### **(d) Licensed Child Care Center**

A shelter may have a licensed child care center as part of its overall operation. Such a center may participate under the shelter's CACFP agreement. These centers may claim up to two meals and one snack or two snacks and one meal per day per child (while the child is in care at the center).

If a child care center operated by an emergency shelter also enrolls children who are not residents of the shelter, the center must collect and certify MBFs for all non-residential participants (see **section 3.2**).

**Reference:** Management Bulletins:

- 99-203 Child Nutrition Reauthorization Act of 1998  
<http://www.cde.ca.gov/ls/nu/cc/mb99203.asp>
- 06-210 Interim Rule: Emergency Shelters  
<http://www.cde.ca.gov/ls/nu/cc/mb06210.asp>

# **Section 5**

## **Management Bulletins**

# CHILD NUTRITION AND FOOD DISTRIBUTION DIVISION MANAGEMENT BULLETIN

No.: 99-203

FROM:	CHILD CARE FOOD PROGRAM	ISSUE DATE:	MARCH 1999
TO:	CHILD CARE FOOD PROGRAM SPONSORS		
SUBJECT:	CHILD NUTRITION REAUTHORIZATION ACT OF 1998 (PUBLIC LAW 105-336)		

The purpose of this bulletin is to advise sponsors of certain changes within the Child Care Food Program (CCFP) as the result of the Child Nutrition Reauthorization Act of 1998.

Periodically, the United States Congress approves or reauthorizes the continued operation of the CCFP. With the Child Nutrition Reauthorization Act of 1998, Congress renewed the CCFP for another four years. As with past reauthorizations, it made program changes, which are summarized below. The effective date of this law is October 1, 1998, unless otherwise designated by item.

## After School “At-Risk” Programs

After school programs which meet the criteria listed below may receive reimbursement for meal supplements served to “at-risk” enrolled children between the ages of 12 and 18 years old. “At-risk” after school programs must:

- Be located in a geographical area that is served by a school in which 50 percent or more of the enrolled children are certified as eligible for free or reduced price schools meals;
- Be organized primarily to provide care after school hours and on weekends and holidays during the regular school year;
- Have an educational or enrichment purpose;
- Limit reimbursement to one supplement per child per day; and,
- Serve supplements claimed under this provision to children free of charge.  
Reimbursement for supplements served is at the free rate.

The United States Department of Agriculture (USDA) will provide additional guidance regarding implementation of after school programs in the coming months, and we will notify you as soon as we receive it.

## **Benefits for Homeless Children**

Public and private nonprofit emergency homeless shelters that meet local or state health and safety standards may now participate in the CCFP and provide meals to the resident children. The children may not be older than 12 years of age. However, migrant children or children with disabilities may be older than 12 years.

Participating homeless shelters may serve three major meals or two major meals and one supplement per child per day. The reimbursement for the meals served will be made at the free rate. Homeless shelters will be a new component of the CCFP, and USDA will provide administrative guidance in the near future.

## **Even Start Categorical Eligibility**

Preschool children who participate in the Even Start Program are once again categorically or automatically eligible for free meal reimbursement in the CCFP. Categorical eligibility for these children had expired on September 30, 1997.

## **Rounding of Reimbursement Rates**

Effective July 1, 1999, the reimbursement rates for meals and supplements served in centers must be adjusted or rounded to the nearest lower cent. For example, by rounding to the lower cent, the current reimbursement rate for a reduced price breakfast, \$0.7450, would be adjusted to \$0.74. Therefore, reimbursement rates will no longer be stated with fractional components; they will be stated as whole numbers.

## **Provision of WIC Information**

The Department will be required to provide information regarding the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to all family day care homes and child care centers. We also will be required to issue periodic WIC updates to sponsors and ensure that the homes and centers provide the WIC information to the parents of children enrolled in homes and centers.



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<b>To:</b>	Child and Adult Care Food Program Emergency Shelters	<b>Number:</b>	06-210
<b>Attention:</b>	Food Program Director	<b>Date:</b>	March 2006
<b>Subject:</b>	Interim Rule: Emergency Shelters		
<b>Reference:</b>	United States Department of Agriculture, Food and Nutrition Service, Interim Rule, Federal Register, Vol. 71, No. 1, January 3, 2006		

This Management Bulletin provides updated guidance to emergency shelters regarding age limits and residents with disabilities. The Child and Adult Care Food Program (CACFP) defines an emergency shelter as a public or private nonprofit organization or site that provides temporary shelter and food services to homeless children.

The United States Department of Agriculture (USDA) has issued an interim rule that clarifies a provision of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265). The reauthorization provision allowed emergency shelters participating in the CACFP to claim reimbursement for the meals served to residents 18 years of age or younger and residents of any age with disabilities. The Nutrition Services Division (NSD) issued Reauthorization Information Sheet #12 in September 2004 to inform shelters of these program changes.

With the interim rule, effective February 2, 2006, an emergency shelter may claim reimbursement for the meals served to residents who are 18 years of age or younger as stated in Information Sheet #12. The shelter may also claim reimbursement for the meals served to residents of any age with mental or physical handicaps, **provided that the shelter serves a majority of residents 18 years of age or younger**. Information Sheet #12 (i.e. previous information from USDA) did not contain this claiming restriction, suggesting instead that an unlimited number of residents with disabilities of any age could be claimed for meal reimbursement.

We have attached two forms, *Emergency Shelter Daily Roster and Meal Count* and *Emergency Shelter Monthly Roster to Document Eligibility of Adults with Disabilities*. The daily roster and meal count form should be used to record the meals served to the eligible shelter residents, while the monthly roster form should be used to document that adults with disabilities may be served and claimed per the interim rule.

Shelters should use the definition of a disability taken from the Americans with Disabilities Act, which defines a disability as one of the following:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;
2. A record of such impairment; or
3. Being regarded as having such an impairment.

The interim rule for emergency shelters may be found on the USDA Web site at:  
**[www.fns.usda.gov/cnd/Care/CACFP/cacfphome.htm](http://www.fns.usda.gov/cnd/Care/CACFP/cacfphome.htm)**



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<input checked="" type="checkbox"/> POLICY	<input checked="" type="checkbox"/> ACTION REQUIRED	<input checked="" type="checkbox"/> BENEFICIAL INFORMATION
To:	Child and Adult Care Food Program – Independent Centers and Sponsoring Organizations	Number: USDA-CACFP-02-2011
Attention:	Food Program Director	Date: January 2011
Subject:	Expansion of At-Risk Afterschool Meals in the Child and Adult Care Food Program	
Reference:	United States Department of Agriculture Policy Memo CACFP 04-2011; CACFP Regulations, Title 7 <i>Code of Federal Regulations</i> 226.17(a)	

This Management Bulletin (MB) announces the expansion of eligibility for at-risk afterschool meal reimbursement under the Healthy, Hunger-Free Kids Act of 2010 (Act) signed by the President of the United States on December 12, 2010. This MB provides guidance to centers participating in the Child and Adult Care Food Program (CACFP) on how to implement this exciting expansion.

Previously, reimbursement for at-risk afterschool snacks was available in all states; however, only 14 designated states were allowed to reimburse for meals, typically suppers, in afterschool care programs. The Richard B. Russell National School Lunch Act (42 U.S.C. 1766[r]) now includes language that extends eligibility for at-risk afterschool meal reimbursements to all states participating in the CACFP.

Effective October 1, 2010, all institutions participating in the at-risk afterschool care component of the CACFP are eligible to claim reimbursement at the free rate for up to one snack and one meal served to each eligible participant per day. At-risk afterschool meals and snacks must be served free of charge (7 *CFR* 226.17a[j]) and will be reimbursed at the applicable free rates (7 *CFR* 226.17a[n]). You can find additional guidance regarding the implementation of an afterschool meal program on the United States Department of Agriculture's Afterschool Programs Web page at <http://www.fns.usda.gov/cnd/care/afterschool.htm> (Outside Source).

Please note that the Child Nutrition Information and Payment System (CNIPS) does not currently permit claiming for the new meal allowance for agencies participating in the at-risk afterschool care component of the CACFP. The California Department of Education (CDE) will notify all agencies when the CNIPS is modified to accommodate this change in regulation. The CDE will announce the deadline for final amended claims at that time. Agencies with documentation showing they served a reimbursable meal to eligible children on or after October 1 may amend their claims to obtain retroactive reimbursement once changes are made to the CNIPS.

If you have any questions regarding this MB, please contact the CACFP specialist assigned to your agency in the CNIPS. You will find a list of contact information for specialists in the Download Forms section of the CNIPS. You can also contact the Help Desk at 800-952-5609, option 6.

## Section 6: Program Support

### 6.1 CNIPS

Most changes to institutions' programs must be communicated to the NSD through the Child Nutrition Information and Payment System (CNIPS). The CNIPS is also used by institutions to submit monthly claims for reimbursement. As described below, address changes and site changes can be made through the CNIPS.

#### (a) Address Changes

Institutions may change their physical or mailing address in the CNIPS. However, in order for an institution to change its legal payment address, the institution must contact the assigned CACFP specialist for instructions.

#### (b) Site Changes

An institution may make the following changes regarding the center or centers under its program agreement:

- **Add:** An institution may add a center to its agreement. To do so, the institution must add and complete a site application in the CNIPS, and it may be required to submit a copy of the center's license(s).
- **Close:** An institution may use the CNIPS to register the closure of a site, or it may submit a written request to a CACFP specialist to record the closure.
- **Modify:** To make any changes to a center's name, address, or license(s), an institution must revise and submit for approval the site application in the CNIPS.

*Note:* If approved, site changes and new site applications take effect beginning with the month in which they are submitted through the CNIPS.

#### (c) Template Forms

Most of the forms included in this manual are available electronically in the Download Forms section of the CNIPS; when logging into the CNIPS, click on "Applications" and then "Download Forms."

For assistance with the CNIPS, agencies should contact the CNIPS Help Desk at 800-952-5609, option 6. A CNIPS User Manual is also available in the Download Forms section of the CNIPS.

## 6.2 Resources

The following Web sites may contain information and resources that can assist institutions in the management of a food program:

- NSD Child and Adult Care Food Program Web Site  
<http://www.cde.ca.gov/ls/nu/cc/>
- CNIPS  
<https://www.cnips.ca.gov/>
- USDA Food Buying Guide  
<http://www.fns.usda.gov/tn/foodbuying-guide-child-nutrition-programs>
- USDA Food and Nutrition Service CACFP Resources  
<http://www.fns.usda.gov/cacfp/child-and-adult-care-food-program>
- USDA CACFP Financial Management Resources  
<http://www.fns.usda.gov/cacfp/financial-management-tools>
- California Professional Nutrition Education and Training Center (Cal-Pro-NET)  
<http://www.fresnocitycollege.edu/index.aspx?page=2202>
- National Food Service Management Institute  
<http://www.nfsmi.org/>